



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

ADOPTION

STATE AGENCY:

Office of the Inspector General for Veterans Affairs

A written comment period has been established commencing on **July 13, 2001** and closing on **August 27, 2001**. Written comments should be directed to the Fair Political Practices Commission, Attention **Wayne Imberi**, 428 J Street, Suite 450, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive

Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **August 27, 2001**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Wayne Imberi/ Kevin Moen, Fair Political Practices Commission, 428 J Street, Suite 450, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Wayne Imberi**, Fair Political Practices Commission, 428 J Street, Suite 450, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. INSPECTOR GENERAL FOR VETERANS AFFAIRS

NOTICE OF INTENT TO ADOPT A CONFLICT OF INTEREST CODE

NOTICE IS HEREBY GIVEN that the Office of the Inspector General for Veterans Affairs intends to adopt a conflict of interest code pursuant to Government Code Sections 87300 and 87306. Pursuant to Government Code Sections 87300–87302, the code will designate employees who must disclose certain investments, income, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

A written comment period has been established commencing July 13, 2001, and terminating on September 1, 2001. Any interested person may present written comments concerning the proposed code no later than September 1, 2001 to the Office of the Inspector General for Veterans Affairs, 3927 Lennane Drive, Suite 220, Sacramento, CA 95834, Attention: Don McCormick, Chief Deputy Inspector General. No public hearing on this matter will be held unless any interested person or his or her representative requests, no later than fifteen (15) days prior to the close of the written comment period, a public hearing.

The Office of the Inspector General for Veterans Affairs has prepared a written explanation of the reasons for the designations and the disclosure responsibilities and has available all of the information upon which its proposal is based.

Copies of the proposed code and all of the information upon which it is based may be obtained from the Office of the Inspector General for Veterans Affairs, 3927 Lennane Drive, Suite 220, Sacramento, CA 95834. Any inquiries concerning the proposed code should be directed to Don McCormick, Chief Deputy Inspector General at (916) 830-1901.

Adoption of the proposed code will not impose a cost or savings on any state agency, local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code; will not result in any nondiscretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state; will not impose a mandate on local agencies or school districts; and will not have any potential cost impact on private persons or businesses including small businesses.

The Office of the Inspector General for Veterans Affairs must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the actions is proposed or would be as effective and less burdensome to affect private persons than the proposed action.

TITLE 13. CALIFORNIA HIGHWAY PATROL

NOTICE OF PROPOSED REGULATORY ACTION

**TITLE 13, CALIFORNIA CODE OF
REGULATIONS, DIVISION 2, CHAPTER 6.5
AMEND ARTICLE 3, SECTION 1213.1, AMEND
ARTICLE 6, SECTION 1230 AND AMEND
ARTICLE 7.5, SECTION 1239**

COMMERCIAL VEHICLE SAFETY ALLIANCE NORTH AMERICAN STANDARD OUT-OF-SERVICE CRITERIA (CHP-R-01-06)

The California Highway Patrol (CHP) proposes to adopt by reference the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria (April 1, 2001) in Title 13, California Code of Regulations (13 CCR). The current regulation adopts by reference the Commercial Vehicle Safety Alliance North American Uniform Out-of-Service Criteria (April 1, 1999).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 34501(a)(1) of the California Vehicle Code (VC) authorizes the CHP to adopt reasonable rules and regulations, which in the judgment of the Department, are designed to promote the safe operation of vehicles described in Section 34500 VC. The rules and regulations are regarding, but not limited to, controlled substances and alcohol testing of drivers by motor carriers, hours of service of drivers, equipment, fuel containers, fuel operations, inspection, maintenance, recordkeeping, accident reports and drawbridges. Section 2402 VC provides the Commissioner with the authority to “make and enforce such rules and regulations as may be necessary to carry out the duties of the Department” and Section 2410 VC provides the authority for the CHP to place vehicles out-of-service (Attorney General’s Opinion NS 2520) in order to “ensure safety.” Currently, vehicles described under Sections 260, 15210, and 34500 VC, are subject to the provisions of the Commercial Vehicle Safety Alliance North American Uniform Out-of-Service Criteria (April 1, 1999). The proposed regulation will add vehicles described under Section 322 VC (Farm Labor Vehicles) to this list.

The intent of these regulations is to adopt specific uniform criteria for determining whether or not a vehicle and/or driver, inspected by a member of the CHP, is in such a condition that they are likely to constitute a hazard on a highway. These regulations will incorporate by reference specified portions of the standards contained within the Commercial Vehicle

Safety Alliance North American Standard Out-of-Service Criteria (April 1, 2001). Renewal of this criteria will continue to provide consistency throughout California, with neighboring states, Canada and Mexico, and provide a regulatory basis for enforcement efforts as they relate to commercial vehicle out-of-service criteria.

PUBLIC COMMENTS

Any interested person may submit written comments on this proposed action via facsimile at (916) 446-4579, by email to cvsregs@chp.ca.gov, or by writing to:

CHP, Enforcement Services Division
Commercial Vehicle Section
ATTN: Sergeant Deborah Pierce
P. O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until 4:45 PM, August 27, 2001.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section, no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 446-4579 or by calling the CHP, Commercial Vehicle Section at (916) 445-1865. Facsimile requests for information must include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the California Highway Patrol, Commercial Vehicle Section, 444 North Third Street, Sacramento, California. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our web site at www.chp.ca.gov/regulations.

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on our web site.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations or questions

regarding the substance of the proposed regulations should be directed to Sergeant Deborah Pierce or Officer Nick Griggs, CHP, Commercial Vehicle Section at (916) 445-1865.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL AND ECONOMIC IMPACT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no affect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary or reimbursable costs or savings to any local agency, school district, or state agency, or federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The California Highway Patrol is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

The California Highway Patrol has determined that the proposed regulatory action may affect small businesses.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the California Highway Patrol must determine that no reasonable alternative considered by the California Highway Patrol, or that has otherwise been identified and brought to the attention of the California Highway Patrol, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The California Highway Patrol invites interested parties to present statements or arguments with

respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Sections 2402, 2410, 31401 and 34501(a) VC.

REFERENCE

This action implements, interprets, or makes specific Sections 260, 322, 2402, 2410, 12500, 12502, 12515(b), 14603, 15210, 15250, 15275, 15278, 23152, 24002, 24400, 24252, 24600, 24603, 24604, 24952, 27154, 27155, 27465, 27501, 27903, 29001, 29002, 29003, 29004, 31401, 34500, 34501, 34506 and 34510 VC.

DEPARTMENT OF CALIFORNIA

HIGHWAY PATROL

S. H. PEREZ, Chief

Enforcement Services Division

**TITLE 13. NEW MOTOR
VEHICLE BOARD**

NOTICE OF PROPOSED ACTION

NOTICE IS HEREBY GIVEN that the New Motor Vehicle Board of the State of California ("Board"), pursuant to the authority vested in it by Section 3050, subdivision (a) of the Vehicle Code, proposes to add section 593.3 to the regulations contained in Title 13 of the California Code of Regulations in order to provide a clear explanation as to what actions may be taken for failure to provide to the Board a statutorily required notice or for filing it in an untimely manner.

PROPOSED REGULATORY ACTION

The Board proposes to add section 593.3 after consideration of all comments, objections, and recommendations regarding the proposed action.

In 2000, the California Legislature enacted Senate Bill 1819 [Stats. 2000, ch. 789], authored by Senator Dunn. This bill amended Vehicle Code section 11713.3 as follows: every manufacturer, branch, and distributor that owns or operates a dealership for a temporary period is required to give written notice to the Board, within 10 days, each time it commences or terminates operation of a dealership and each time it acquires or divests itself of an ownership interest (11713.3(o)(3)(A)); and, every manufacturer, branch, and distributor that owns an interest in a dealer as part of a bona fide dealer development program is required to give written notice to the Board, annually, of the name and location of each dealer in which it has an ownership interest (11713.3(o)(3)(A)).

Additionally, under the various sections of the Vehicle Code and Civil Code enumerated below, licensees of the Department of Motor Vehicles

including, but not limited to, manufacturers, distributors, or branches of those entities, are required to file notices, schedules and/or formulas with the Board (see Vehicle Code sections 3060, 3062, 3064, 3065; Civil Code section 1795.92).

The proposed regulation will provide a clear explanation as to what actions may be considered when a licensee fails to file a statutorily required written notice or files it in an untimely manner.

PUBLIC DISCUSSIONS PRIOR TO NOTICE

Prior to the publication of this notice, the Board considered the proposed text of the regulation to address the amendments to section 11713.3 at a noticed General meeting held on November 28, 2000. Ten days prior to the meeting, a detailed agenda including the consideration of the proposed text of the regulation was mailed to the Board's Public Mailing List, a list of approximately 150 individuals, entities and governmental agencies who have requested notification by the Board of pending Board matters. No comments by the public were received at the November 28, 2000, meeting, and no further public discussions were held prior to publication of the notice.

PUBLIC HEARING

A public hearing to receive oral or written comments on these regulations will be held at the following time and place:

DATE: September 3, 2001

TIME: 10:00 a.m.

PLACE: New Motor Vehicle Board
Hearing Room #2
1507 21st Street, Suite 330
Sacramento, California 95814

At the hearing, any person may present statements or arguments orally or in writing via U.S. Postal Service mail, facsimile or electronic mail, relevant to the proposed action described in the Informative Digest. The hearing will continue until all oral and written comments are presented. The Board requests but does not require that a person who makes comments at the hearing also submit a written copy of their testimony at the hearing. Any person or business submitting a comment to the proposed regulation has the right to request a copy of the final statement of reasons.

WRITTEN COMMENT PERIOD

Notice is also given that any person interested may present statements or arguments in writing via U.S. Postal Service mail, facsimile or electronic mail, relevant to the proposed amendments to the agency officer named below at the address identified below on or before 5:00 p.m. on September 3, 2001. The Board

will consider only comments received at the Board offices by that time. Submit comments to:

Mike Dingwell, Staff Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95814
(916) 445-2080
Fax: (916) 323-1632
E-mail: www.nmrvb@pacbell.net

The official record of the rulemaking procedure will be closed at 5:00 p.m. following the conclusion of the public hearing on September 3, 2001. Written comments received after 5:00 p.m. on September 3, 2001, will not be considered unless an extension of time in which to receive written comments is announced at the public hearing.

AUTHORITY AND REFERENCE

Authority cited: Section 3050(a), Vehicle Code.
Reference: Sections 3060, 3062, 3064, 3065, and 11713.3, Vehicle Code; Section 1795.92, Civil Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 3050, subdivision (a) authorizes the Board to adopt rules and regulations governing such matters as are specifically committed to it.

It is the mission and vision of the Board, as adopted by its members, to: resolve disputes in the new motor vehicle industry in an efficient, fair and cost-effective manner; safeguard for the Board's constituency, a fair, expeditious and efficient forum for resolving new motor vehicle industry disputes which ultimately improves relations and reduces the need for costly litigation; and, develop methods that further improve the delivery of Board services in a timely and cost-effective manner.

The Board proposes to add section 593.3 to the regulations contained in Title 13 of the California Code of Regulations in order to provide a clear explanation as to what actions may be considered for failure to provide to the Board a statutorily required notice or for filing it in an untimely manner.

Currently, pursuant to Vehicle Code sections 3060, 3062, 3064, 3065, and 11713.3, and under Civil Code section 1795.92, certain licensees of the Department of Motor Vehicles are required to file notices, schedules and/or formulas with the Board. However, no Board regulations address any action which may be considered in the event any of these statutorily required notices are not filed or filed in a timely manner.

The addition of the proposed regulation will ensure accountability from licensees which are required by these various statutes to file notices with the Board. The proposed regulation will also provide clarification

to licensees with respect to the failure to file notices or to file notices in an untimely manner.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following determinations:
EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments will have no effect on small businesses. This determination was made because no small businesses are legally required to comply with the regulation, are legally required to enforce the regulation, or derive a benefit from or incur an obligation from the enforcement of the regulation.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The proposed regulatory action does not impose a mandate on local agencies or school districts.

FISCAL IMPACT STATEMENT

The proposed regulatory action imposes (1) no cost or savings to any state agency; (2) no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code; (3) no other non discretionary cost or savings to local agencies; and (4) no costs or savings in federal funding to the state.

EFFECT ON BUSINESSES

The Board has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states. No studies or data were relied upon in making this determination.

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The cost impact of the proposed regulatory action is expected to be inconsequential on directly affected private persons. The Board expects no cost impact on directly affected businesses. The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT REGARDING THE EFFECT ON JOBS/BUSINESSES

The adoption of this regulation will neither create nor eliminate jobs or businesses in the State of California, will not result in the elimination of existing businesses, and will neither reduce or expand businesses currently doing business in the State of California.

EFFECT ON HOUSING COSTS

The proposed regulatory action will have no impact on housing costs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

At the November 28, 2000, General meeting, wherein the Board preliminarily adopted the proposed regulatory text, no other alternatives were considered. However, the Board President, Robert T. (Tom) Flesh invited and encouraged the submission of written and oral comments. Furthermore, Mr. Flesh indicated that the Board instructing staff to go forward with the proposed rulemaking, did not necessarily indicate final Board action. If any written or oral comments were received, the full Board would consider the comments and reconsider the text of the proposed rulemaking. Lastly, if the staff decided that modifications to the proposed text were necessary, the Board would consider those modifications at a noticed meeting. If there were no written or oral comments received, then the rulemaking process will proceed without further Board involvement.

CONTACT PERSON/BACKUP CONTACT PERSON

Please direct inquiries concerning the substance of the proposed action, requests for copies of the proposed text (the "express terms") of the regulation, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to:

Mike Dingwell, Staff Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95814
Telephone: (916) 445-2080

In the event the Contact Person is not available, inquiries concerning the substance of the proposed action, requests for copies of the proposed text (the "express terms") of the regulation, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based may be directed to the following Backup Contact Person:

Robin P. Parker, Staff Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95814
Telephone: (916) 445-2080

AVAILABILITY OF INFORMATION VIA THE INTERNET

Information regarding the proposed amendments may be obtained from the Board's web site:
www.nmvb.ca.gov.

STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The express terms of the proposed action are written in plain English and are available from the contact person named in this notice. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline to indicate additions, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the initial statement of reasons and the location of public records, including reports, documentation, and other materials, related to the proposed action.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and public hearing, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the Board adopts the resulting regulation. Requests for copies of a modified regulation should be addressed to the Board contact person identified in this notice. The Board will accept written comments on the modified regulation for 15 days after the date on which it is first made available to the public.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons may be directed to the Contact Person or the Backup Contact Person listed in this Notice, or may be obtained from the Board's web site:
www.nmvb.ca.gov.

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

NOTICE OF PROPOSED RULEMAKING

Watershed Protection Extension, 2001

The Board of Forestry and Fire Protection (Board) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend the following sections of Title 14 of the California Code of Regulations (14 CCR):

§ 895.1	Definitions
§ 898(a)	Feasibility Alternatives
§ 898.2(i)	Special Conditions Requiring Disapproval of Plans
§§ 914.8 [934.8, 954.8](g)	Tractor Road Watercourse Crossing
§§ 916 [936, 956](e)	Intent of Watercourse and Lake Protection
§§ 916.2 [936.2, 956.2](d)	Protection of the beneficial Uses of Water and Riparian Functions
§§ 916.9 [936.9, 956.9](y)	Protection and Restoration in Watersheds with Threatened or Impaired Values
§§ 916.11 [936.11, 956.11](b)	Effectiveness and Implementation Monitoring
§§ 916.12 [936.12, 956.12](f)	Section 303(d) Listed Watersheds
§§ 923.3 [943.3, 963.3](h)	Watercourse Crossings
§§ 923.9 [943.9, 963.9](g)	Roads and Landings in Watersheds with Threatened or Impaired Values

PUBLIC HEARING

The Board will hold a public hearing starting at 2:00 P.M., on Wednesday, August 29, 2001, at the Resources Building Auditorium, 1st Floor, 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code § 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

WRITTEN COMMENT PERIOD

Comments need to identify the rule of concern by title shown at the top of the Notice of Publication to assure your comments are included in the correct rule file.

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 P.M., on Monday, August 27, 2001. The Board will consider only written comments received at the Board office by that time (in addition to those comments received at the public hearing). The Board requests, but does not require, that persons who

submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: James L. Mote
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416 9th Street
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

AUTHORITY AND REFERENCE

Public Resources Code (PRC) § 4551 authorizes the Board to adopt such Rules and regulations as it determines are reasonably necessary to enable it to implement, interpret, or make specific sections 4513, 4514.3, 4551.5, 4551.7, 4552, 4553, 4562.5, 4562.7, 4562.9, 4582, and 4584 of the Public Resources Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Z'berg-Nejedly Forest Practice Act of 1973 (ref. Division 4, Chapter 8 of the Public Resources Code) established the Legislature's concern throughout the State relating to the use, restoration, and protection of the forest resources. The Legislature further recognized that these forest resources provide watershed protection and fisheries maintenance. The Legislature declared that it is the policy of the State to encourage responsible forest management that considers the public's need for watershed protection and fisheries (ref. PRC § 4512). Furthermore, the Legislature stated its intent to create and maintain an effective and complete system of regulation for all timberlands. This system is to assure the productivity of timberlands and the goal of maximum sustained production of high quality timber products. It is also intended to give consideration to values related to watershed, wildlife, and fisheries (ref. PRC § 4513). Public Resources Code § 4551 gives the Board the authority to adopt such rules and regulations which will enable

it to carry out its responsibilities to protect fish and water resources, including but not limited to streams, lakes, and estuaries.

In 1996, the State Fish and Game Commission listed Coho salmon south of San Francisco Bay as threatened under the State Endangered Species Act (ESA). Then in 1997, the National Marine Fisheries Service (NMFS) listed Coho salmon as threatened throughout its range in California under the Federal ESA. Steelhead trout was listed by NMFS as a threatened species in the Northern California ESU on June 7, 2000. In April 2001 the State Fish and Game Commission accepted a petition to list Coho salmon as endangered north of San Francisco Bay. In May of 2001 the Fish and Game Commission adopted an emergency regulation which established the Coho salmon as a threatened species. The Commission also adopted these proposed regulations of the Board as the minimum protection to be provided to the species for the effects of timber harvesting.

Among many other sources of information considered by the Board in preparing the proposal for rule changes, a comprehensive review of the California Forest Practice Rules (FPRs), with regard to their adequacy for the protection of salmonid species, has been prepared for the Board (*Report of the Scientific Review Panel* [SRP report], 1999). Following an extensive review of the regulations, "The SRP concluded the FPRs, including their implementation (the 'THP process') do not ensure protection of anadromous salmonid populations" (*Report of the Scientific Review Panel*, 1999). Although this report was specific to the North Coast region, the Board believes that many of the recommendations made in the report could be effectively applied throughout the State to ensure the protection of the beneficial uses of water, including fisheries and other aquatic habitat.

The Board of Forestry and Fire Protection recognized the substantial concerns raised by other agencies additionally charged with the protection of the State's valuable watershed resources. The Board is also extremely aware of the need to protect listed species that may be impacted by practices that are regulated under the Board's purview, regardless of their location within the State. Furthermore, the Board recognized the potential for economic impacts to timberland owners and others that could be imposed from certain types of restrictions or requirements. Considering these factors, the Board adopted changes to the Forest Practice Rules under a previous rulemaking package (*Protection for Threatened and Impaired Watersheds*, 2000).

It should be noted that pursuant to PRC §§ 4512, 4513, 4551, 4551.5, 4552, and 4553; the Board is moving forward with action to further analyze the effectiveness of the rules to protect listed species and

the beneficial uses of water. In order to clarify the Board's intent to address the protection of listed aquatic species and watercourses listed as impaired (pursuant to section 303(d) of the Clean Water Act) on a watershed basis, the Board chose to establish a specific period of time that the rule changes adopted July 1, 2000, would be effective. By imposing a limit on the effective period of the rule changes, the Board would be allowed to work with landowners, scientists and other parties during the balance of the year 2000 to investigate whether an alternative regulatory approach could be developed. The Board established a group (Ad Hoc Watershed Committee) to research whether an alternative approach can be developed that would use enhanced scientific analysis and the principals of watershed analysis to determine, among other things, the potential cumulative environmental impacts of proposed timber harvesting operations and associated activities. The Board hopes that an accumulation of knowledge applicable to specific watersheds and basins will be brought together by the various agencies and the public. This knowledge could then be used to tailor site-specific forest practices to avoid any significant environmental impacts from individual timber harvesting plans, or cumulative impacts from various activities in a watershed that could combine with the effects of timber harvesting. The Board recognized that any alternative approach would not be fully implemented prior to December 31, 2000 and extended the rule for a additional year in a previous rulemaking package (*Protection for Threatened and Impaired Watersheds*, 2001). Although advances have been made toward this goal, it is a complex issue and much remains to be done. This rulemaking action proposes to extend the effective date of the changes to December 31, 2002. This will provide the Board adequate time to evaluate and implement alternatives to those rules that became effective July 1, 2000. The Board Ad Hoc Watershed Committee is continuing to accumulate knowledge from the evaluation and research efforts of other agencies and institutions.

During the last year of application of these regulations administrative anomalies have been discovered. Hence there are some changes to the language adopted in July 2000 proposed in this regulatory extension. The changes proposed address issues of clarity and unintended public impacts and misdirected protective measures. The Ad Hoc Watershed Committee will continue the accumulation of knowledge during the upcoming year. The Committee will continue refining application of the best science available to select the appropriate tools to address watershed evaluation or assessment. This is consistent with the Board mandate under Section 4553 of the Public Resources Code. If further work is still

necessary, any identified improvements that can be made will be proposed in the upcoming year. The complexity of this regulatory effort is not only in the science of watershed evaluation and assessment but in the “art” of translating that science into regulatory language. Regardless, the Board is continuing to put forward regulations for the protection of salmonid species and the beneficial uses of water which are based on the best science and protective practices available.

14 CCR § 895.1 Definitions

In order to clarify the Board’s commitment and intent to move forward with further actions intended to address protection of listed aquatic species and watersheds defined as impaired by the Board on a watershed basis, while also considering those waterbodies listed as impaired pursuant to section 303(d) of the Clean Water Act; the Board proposes to extend the specific period of time that the rule changes that became effective July 1, 2000, would be effective. This change is presented under subsection (1). The Board proposes to extend the effective period of the changes to December 31, 2002.

14 CCR § 898(a) Feasibility Alternatives

In order to clarify the Board’s commitment and intent to move forward with further actions intended to address protection of listed aquatic species and watersheds defined as impaired by the Board on a watershed basis, while also considering those waterbodies listed as impaired pursuant to section 303(d) of the Clean Water Act; the Board proposes to extend the specific period of time that the rule changes that became effective July 1, 2000, would be effective. This change is presented under subsection (a). The Board proposes to extend the effective period of the changes to December 31, 2002.

14 CCR § 898.2(i) Special Conditions Requiring Disapproval of Plans

In order to clarify the Board’s commitment and intent to move forward with further actions intended to address protection of listed aquatic species and watersheds defined as impaired by the Board on a watershed basis, while also considering those waterbodies listed as impaired pursuant to section 303(d) of the Clean Water Act; the Board proposes to extend the specific period of time that the rule changes that became effective July 1, 2000, would be effective. This change is presented under subsection (i). The Board proposes to extend the effective period of the changes to December 31, 2002.

14 CCR §§ 914.8 [934.8, 954.8](g) Tractor Road Watercourse Crossing

In order to clarify the Board’s commitment and intent to move forward with further actions intended to

address protection of listed aquatic species and watersheds defined as impaired by the Board on a watershed basis, while also considering those waterbodies listed as impaired pursuant to section 303(d) of the Clean Water Act; the Board proposes to extend the specific period of time that the rule changes that became effective July 1, 2000, would be effective. This change is presented under subsection (g). The Board proposes to extend the effective period of the changes to December 31, 2002.

14 CCR §§ 916 [936, 956](e) Intent of Watercourse and Lake Protection

In order to clarify the Board’s commitment and intent to move forward with further actions intended to address protection of listed aquatic species and watersheds defined as impaired by the Board on a watershed basis, while also considering those waterbodies listed as impaired pursuant to section 303(d) of the Clean Water Act; the Board proposes to extend the specific period of time that the rule changes that became effective July 1, 2000, would be effective. This change is presented under subsection (e). The Board proposes to extend the effective period of the changes to December 31, 2002.

14 CCR §§ 916.2 [936.2, 956.2](d) Protection of the Beneficial Uses of Water and Riparian Functions

In order to clarify the Board’s commitment and intent to move forward with further actions intended to address protection of listed aquatic species and watersheds defined as impaired by the Board on a watershed basis, while also considering those waterbodies listed as impaired pursuant to section 303(d) of the Clean Water Act; the Board proposes to extend the specific period of time that the rule changes that became effective July 1, 2000, would be effective. This change is presented under subsection (d). The Board proposes to extend the effective period of the changes to December 31, 2002.

14 CCR §§ 916.9 [936.9, 956.9](y) Protection and Restoration in Watersheds with Threatened or Impaired Values

In order to clarify the Board’s commitment and intent to move forward with further actions intended to address protection of listed aquatic species and watersheds defined as impaired by the Board on a watershed basis, while also considering those waterbodies listed as impaired pursuant to section 303(d) of the Clean Water Act; the Board proposes to extend the specific period of time that the rule changes that became effective July 1, 2000, would be effective. This change is presented under subsection (y). The Board proposes to extend the effective period of the changes to December 31, 2002.

14 CCR §§ 916.11 [936.11, 956.11](b) Effectiveness and Implementation Monitoring

In order to clarify the Board's commitment and intent to move forward with further actions intended to address protection of listed aquatic species and watersheds defined as impaired by the Board on a watershed basis, while also considering those waterbodies listed as impaired pursuant to section 303(d) of the Clean Water Act; the Board proposes to extend the specific period of time that the rule changes that became effective July 1, 2000, would be effective. This change is presented under subsection (b). The Board proposes to extend the effective period of the changes to December 31, 2002.

14 CCR §§ 916.12 [936.12, 956.12](f) Section 303(d) Listed Watersheds

In order to clarify the Board's commitment and intent to move forward with further actions intended to address protection of listed aquatic species and watersheds defined as impaired by the Board on a watershed basis, while also considering those waterbodies listed as impaired pursuant to section 303(d) of the Clean Water Act; the Board proposes to extend the specific period of time that the rule changes that became effective July 1, 2000, would be effective. This change is presented under subsection (f). The Board proposes to extend the effective period of the changes to December 31, 2002.

14 CCR §§ 923.3 [943.3, 963.3](h) Watercourse Crossings

In order to clarify the Board's commitment and intent to move forward with further actions intended to address protection of listed aquatic species and watersheds defined as impaired by the Board on a watershed basis, while also considering those waterbodies listed as impaired pursuant to section 303(d) of the Clean Water Act; the Board proposes to extend the specific period of time that the rule changes that became effective July 1, 2000, would be effective. This change is presented under subsection (h). The Board proposes to extend the effective period of the changes to December 31, 2002.

14 CCR §§ 923.9 [943.9, 963.9](g) Roads and Landings in Watersheds with Threatened or Impaired Values

In order to clarify the Board's commitment and intent to move forward with further actions intended to address protection of listed aquatic species and watersheds defined as impaired by the Board on a watershed basis, while also considering those waterbodies listed as impaired pursuant to section 303(d) of the Clean Water Act; the Board proposes to extend the specific period of time that the rule changes that became effective July 1, 2000, would be effective. This change is presented under subsection (g). The

Board proposes to extend the effective period of the changes to December 31, 2002.

SPECIFIC PURPOSE OF THE REGULATION

The Z'berg-Nejedly Forest Practice Act of 1973 (ref. Division 4, Chapter 8 of the Public Resources Code) established the Legislature's concern throughout the State relating to the use, restoration, and protection of the forest resources. The Legislature further recognized that these forest resources provide watershed protection and fisheries maintenance. The Legislature declared that it is the policy of the State to encourage responsible forest management that considers the public's need for watershed protection and fisheries (ref. PRC § 4512). Furthermore, the Legislature stated its intent to create and maintain an effective and complete system of regulation for all timberlands. This system is to assure the productivity of timberlands and the goal of maximum sustained production of high quality timber products. It is also intended to give consideration to values related to watershed, wildlife, and fisheries (ref. PRC § 4513). Public Resources Code § 4551 gives the Board the authority to adopt such rules and regulations which will enable it to carry out its responsibilities to protect fish and water resources, including but not limited to streams, lakes, and estuaries.

Although the SRP report was specific to the North Coast region, the Board believes that many of the recommendations made in the report could be effectively applied throughout the State to ensure the protection of the beneficial uses of water, including fisheries and other aquatic habitat.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None
- Costs or savings to any State agency: None
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC § 17500: None
- Other non-discretionary cost or savings imposed upon local agencies: None
- Cost or savings in federal funding to the State: None
- Significant adverse economic impact on business, including the ability of California businesses to compete with businesses in other states: The rule proposal will affect businesses and small business related to the timber industry by extending the effective period of rule changes that increase the

cost for timber harvesting. These extra costs are associated with planning, operations, and monitoring, and may include but are not limited to: additional planning, construction and maintenance costs for roads and watercourse crossings, additional cost of professional consultations, and costs associated with a reduction in long term sustained yield (LTSY). There may also be additional cost associated with additional inspections.

Although the Board staff has identified the potential for increased costs associated with the previous changes to the Rules, which would be extended under this rule proposal, the Board staff also identified the potential for increased benefits to other sectors of business in the State. Some of the benefits derived from the change in the Rules could be contributed to both market and non-market values related to increases in anadromous fish populations, reduction in the costs of flood control, and the ability of land managers to continue to harvest timber without the restrictions that could result from a determination of "take" by the National Marine Fisheries Service. Benefits will also be derived from potentially enhanced beneficial uses of water for drinking and other recreational uses besides those related to sport fishing. The Board has made an initial determination that there will be no significant statewide adverse economic impact directly effecting business, including the ability of California businesses to compete with businesses in other states.

(Note: cost and benefit estimates for the individual Rules, which will be effectively extended for a period of one (1) year, are presented in the Initial Statement of Reasons.)

- Potential cost impacts on representative private persons or businesses: As indicated above, the rule proposal will affect businesses, and large and small landowners with an interest in the timber products industry by extending the effective date of rule changes that increase the cost for timber harvesting. These extra costs are associated with planning, operations, and monitoring, and may include but are not limited to: additional planning, construction and maintenance costs for roads and watercourse crossings, additional cost of professional consultations, and costs associated with a reduction in long term sustained yield (LTSY).

The Board staff anticipates that offsetting benefits will be derived from increases in recreation and commercial fishing, as well as reductions in the costs of flood control in some areas.

(Note: cost and benefit estimates for the individual Rules are similar to those referenced above and are presented in the *Initial Statement of Reasons*.)

- Significant effect on housing costs: None
- Adoption of these regulations may create or eliminate jobs within California. It is estimated that the reduction in long-term sustained yield resulting from the reduction in timber available for harvest could result in the loss of some 4,800 jobs over the long term. However, the increase in fish populations and enhanced recreational values that could result from the increased protection measures over the long term could result in the creation of jobs in the fishing industry and related industries over the long-term, offsetting the loss of jobs in other sectors of the economy. It should be noted that the changes proposed under this rulemaking action would only allow the rules to be effective for a period of one (1) year. Therefore, it is unlikely that the effects estimated to occur over the long-term would be realized.

Adoption of the extension of these regulations will not create new nor eliminate existing businesses within California. The rule only extends the date of the previously approved rule change.

Adoption of the extension of these regulations may cause the expansion of businesses currently doing business in the state of California. Increased fish populations and recreation values, which may result from adoption of this rule extension, could expand the businesses in the fishing, recreation, and related industries.

EFFECT ON SMALL BUSINESSES:

The rule proposal will affect small business related to the timber industry by extending the effective period of rule changes that increase the cost for timber harvesting. These extra costs are associated with planning, operations, and monitoring, and may include but are not limited to: additional planning, construction and maintenance costs for roads and watercourse crossings, additional cost of professional consultations, and costs associated with a reduction in long term sustained yield (LTSY). There may also be additional cost associated with additional inspections.

Although the Board staff has identified the potential for increased costs associated with the previous changes to the Rules, which would be extended under this rule proposal, the Board staff also identified the potential for increased benefits to other small business sectors in the State. Some of the benefits derived from the change in the Rules could be contributed to both market and non-market values related to increases in anadromous fish populations, reduction in the costs of flood control, and the ability of land managers to continue to harvest timber without the restrictions that could result from a determination of "take" by the National Marine Fisheries Service. Benefits will also be derived from potentially enhanced beneficial uses

of water for drinking and other recreational uses besides those related to sport fishing. The Board has made an initial determination that there will be no significant statewide adverse economic impact directly effecting small business, including the ability of California small businesses to compete with businesses in other states.

(Note: cost and benefit estimates for the individual Rules, which will be effectively extended for a period of one (1) year, are presented in the Initial Statement of Reasons.)

The proposed rules do not conflict with, or duplicate Federal regulations.

BUSINESS REPORTING REQUIREMENT

The regulation does not require a report, which shall apply to businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code § 11346.5(a)(13), the Board must determine that no reasonable alternative it considers or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board has determined that the proposed regulations may impact businesses. However, the Board has not identified any equally effective alternatives that would lessen any adverse impact on businesses at this time. The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing, or during the written comment period. Submissions may include the following considerations: (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses, (ii) Consolidation or simplification of compliance and reporting requirements for businesses, (iii) The use of performance standards rather than prescriptive standards, or (iv) Exemption or partial exemption from regulatory requirements for businesses.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attn: James L. Mote
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-9418 or,
(916) 653-8007

The designated backup person in the event Mr. Mote is not available is Daniel Sendek, Assistant Executive Officer of the Board of Forestry and Fire Protection, at the above address and phone.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request.

When the *Final Statement of Reasons* has been prepared the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address. All of the above referenced information is also available on the CDF web site at:

[http://www.fire.ca.gov/BOF/board/
board_proposed_rule_packages.html](http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html)

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text-with the changes clearly indicated-available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 18. BOARD OF EQUALIZATION

NOTICE IS HEREBY GIVEN

The State Board of Equalization, pursuant to the authority vested in it by section 15606(a) of the Government Code, proposes to amend Regulation 1661, Leases of Mobile Transportation Equipment, in Title 18, Division 2, Chapter 4, of the California Code of Regulations, relating to sales and use tax. A public hearing on the proposed regulation will be held in Room 121, 450 N Street, Sacramento, at 1:30 p.m., or as soon thereafter as the matter may be heard, on September 12, 2001. At the hearing, any person interested may present statements or arguments orally or in writing relevant to the proposed regulatory action. The Board will consider written statements or arguments if received by September 12, 2001.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law, Revenue and Taxation Code section 6006(g)(4), provides that a lease of Mobile Transportation Equipment (MTE) is not a sale of tangible personal property. Thus, the sale of MTE to a person for the purpose of leasing is the retail sale. However, a person who purchases MTE for the limited purpose of leasing that MTE may make a timely election to pay tax measured by the fair rental value of the MTE rather than on its purchase price. (Rev. & Tax. Code § 6092.1, 6094(d), 6243.1, 6244(d).)

Regulation 1661, Leases of Mobile Transportation Equipment, is proposed to be amended to interpret, implement and make specific Revenue and Taxation Code section 6006. Amendments are proposed to clarify in subdivision (b)(2) that (A) an election to pay use tax liability measured by the fair rental value of MTE must be made on or before the due date of a return for either the period in which the equipment is first leased or the period in which the equipment first entered California, whichever is the later; and (B) a lessor may make the election to pay use tax liability measured by the fair rental value as long as the property was purchased without the payment of tax or tax reimbursement on the purchase price, regardless of whether the lessor issued a resale certificate when acquiring the MTE; and to make non-substantive changes in subdivisions (b)(1), (b)(2) and (b)(2)(A) to improve clarity.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The State Board of Equalization has determined that the proposed amendment and regulation do not impose a mandate on local agencies or school districts. Further, the Board has determined that the amendment

and regulation will result in no direct or indirect cost or savings to any State agency, any costs to local agencies or school districts that are required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code or other non-discretionary costs or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

EFFECT ON BUSINESS

Pursuant to Government Code section 11346.5(a)(8), the Board of Equalization made an initial determination that the adoption of the amendments to Regulation 1661 will have no significant statewide adverse economic impact directly affecting business.

The adoption of the proposed amendment to this regulation and the proposed regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

The amendment to the regulation as proposed and the new regulations will not be detrimental to California businesses in competing with businesses in other states.

The proposed regulations may affect small business.

COST IMPACT ON PRIVATE PERSON OR BUSINESSES

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT EFFECT ON HOUSING COSTS

No significant effect.

FEDERAL REGULATIONS

Regulation 1661 and the proposed changes have no comparable federal regulations.

AUTHORITY

Section 7051, Revenue and Taxation Code.

REFERENCE

Section 6006, Revenue and Taxation Code.

CONTACT

Questions regarding the substance of the proposed regulation should be directed to Ms. Leila Khabbaz (916) 324-2952, at 450 N Street, Sacramento, CA 95814 (e-mail Leila.Khabbaz@boe.ca.gov).

Written comments for the Board's consideration, notice to present testimony or bring witnesses to the public hearing, and inquiries concerning the proposed administrative action should be directed to Diane Olson, Regulations Coordinator, (916) 322-9569, fax number (916) 324-3984,

(e-mail Diane.Olson@boe.ca.gov), or Lydia Moreno, Business Taxes Appeals Analyst, (916) 445-7086 (e-mail Lydia.Moreno@boe.ca.gov), at 450 N Street, Sacramento, CA 95814.

ALTERNATIVES CONSIDERED

The Board must determine that no reasonable alternative considered by it or that has been otherwise identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed, or be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared an initial statement of reasons and an underscored version (express terms) of the proposed regulation. Both of these documents and all information on which the proposal is based are available to the public upon request. The Rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed regulation are available on the Internet at the Board's website <http://www.boe.ca.gov>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The final statement of reasons will be made available on the Internet at the Board's web site following its public hearing of the proposed regulation. It is also available for your inspection at 450 N Street, Sacramento, California.

ADDITIONAL COMMENTS

Following the hearing, the State Board of Equalization may, in accordance with the law, adopt the proposed regulations if the text remains substantially the same as described in the text originally made available to the public. If the State Board of Equalization makes modifications which are substantially related to the originally proposed text, the Board will make the modified text, with the changes clearly indicated, available to the public for fifteen days before adoption of the regulation. The text of any modified regulation will be mailed to those interested parties who commented on the proposed regulatory action orally or in writing or who asked to be informed of such changes. The modified regulation will be available to the public from Ms. Olson. The State Board of Equalization will consider written comments on the modified regulation for fifteen days after the date on which the modified regulation is made available to the public.

GENERAL PUBLIC INTEREST

BUILDING STANDARDS COMMISSION

NOTICE OF PUBLIC HEARING

PROPOSED BUILDING STANDARDS TO CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4 & 5 (CALIFORNIA MECHANICAL CODE & CALIFORNIA PLUMBING CODE)

Pursuant to Government Code Section 11346.5(a)17, the California Building Standards Commission on behalf of the Department of Housing and Community Development and the Office of Statewide Health Planning and Development has set the time and place hereafter set forth for a public hearing to receive written and/or oral comments from interested person regarding proposed buildings standards to Part 4 (California Mechanical Code) and Part 5 (California Plumbing Code), Title 24, California Code of Regulations (CCR).

PLACE: California Building Standards Commission Conference Room
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

TIME: Department of Housing and Community Development—CCR, Title 24, Part 4
Notice File No. Z-01-0515-14
July 25, 2001 at 10:00 a.m.

Office of Statewide Health Planning and Development—CCR, Title 24, Part 4
Notice File No. Z-01-0515-22
July 25, 2001 at 11:30 a.m.

Department of Housing and Community Development—CCR, Title 24, Part 5
Notice File No. Z-01-0522-15
July 25, 2001 at 1:30 p.m.

Office of Statewide Health Planning and Development—CCR, Title 24, Part 5
Notice File No. Z-01-0515-20
July 25, 2001 at 3:00 p.m.

At the hearing both oral and written comments will be accepted regarding the Notice of Proposed Action Z-01-0522-15 published in the June 1, 2001 California Regulatory Notice Register, and Notice of Proposed Action Z-01-0515-14, Z-01-0515-20, & Z-01-0515-22 published in the May 25, 2001 California Regulatory Notice Register. Should you have any questions regarding this notice, please contact Mike Nearman or Stan Nishimura at (916) 263-0916

The meeting facilities and restrooms are accessible to persons with disabilities. Requests for accommodations such as assistive listening device, sign language interpreters, etc. should be made to the Commission office no later than 10 working days prior to the day of the meeting. Parking is available about the entire building at no charge. Blue areas are located near the entrance of the building. If Paratransit services are needed, they may be contacted at (916) 363-0661. Their TDD line is (916) 363-0196. The Sacramento Regional Transit bus line and light rail information is (916) 321-2877 and TDD line is (916) 483-4327.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE TO INTERESTED PARTIES
July 13, 2001

Announcement of Public Meeting Requesting Public Input on the Review of Scientific Questions Regarding the Potential of Chromium 6+ to Cause Cancer When Ingested

On March 27, 2001, the California Environmental Protection Agency (Cal/EPA) requested the University of California to establish a "blue-ribbon" panel of expert scientists (the panel) from throughout the United States to review the scientific questions concerning the potential of chromium 6+ to cause cancer when it is ingested. Cal/EPA announces on behalf of this panel a public meeting to receive public input for the panel charged with the review of the scientific questions regarding the potential of chromium 6+ to cause cancer when ingested. The recommendations of the panel will assist Cal/EPA's Office of Environmental Health Hazard Assessment (OEHHA) in the development of a Public Health Goal for chromium 6+ in drinking water. The panel's recommendations will also provide important information for OEHHA and the Department of Health Services for a statutory requirement to conduct an assessment of the health risks associated with the presence of chromium 6+ in drinking water in the San Fernando Valley of California.

The meeting will be convened on:

DATE: July 25, 2001

TIME: 9:00 am to 3:00 pm (with a lunch break from 12:00 pm to 1:00 pm)

PLACE: University of California, Davis; Alpha Gamma Rho Conference Room in the Walter A. Buehler Alumni and Visitors Center

DIRECTIONS: Available at
<http://www.alumni.ucdavis.edu/avc/directions.htm>

PARKING: Parking is available in the South Gate Parking Structure, Lot 1 or Lot 2 with an "A" or "C" permit. Daily "C" permits are available for \$4.00 from the parking permit machines in Lots 1 and 2. Permits are required Monday–Friday, 7:00 am to 10:00 pm.

The panel will receive testimony from interested parties. The panel requests that testimony be focused insofar as possible upon the following subject areas as they relate to chromium 6+ toxicity by the oral route of exposure:

- Toxicology
- Rat and/or mouse pathology
- Animal cancer bioassays
- Epidemiology
- Human physiology and/or biological chemistry (uptake and conversion of chromium 6+ in the gastrointestinal tract, preferably in the stomach)
- Pharmacokinetics
- Risk assessment methodology

The panel also requests that relevant written materials be submitted in advance of the meeting so that members of the panel may more thoroughly consider the information. The materials should be submitted to Jerold Last, Ph.D., Chair of the Chromate Review Panel, University of California, UC Toxic Substances Program, Surge I, Room 1131, Davis, California 95616-8723, (530) 752-5593 (fax), or jalast@ucdavis.edu (email) by July 23, 2001.

If you have questions concerning the meeting, please contact Mandisa Zeigler, (530) 752-2097.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF CHIROPRACTIC EXAMINERS Inactive License

The proposed action would establish the provisions for declaring a license inactive and for reinstating a license that is inactive.

Title 16
California Code of Regulations
ADOPT: 355.2
Filed 07/02/01
Effective 08/01/01
Agency Contact: Kim Smith (916) 263-5359

BOARD OF PODIATRIC MEDICINE
Citations and Fines

This rulemaking updates the Board's citation and fine list to include recent legislation which prohibits the unfair and deceptive use of coupons.

Title 16
California Code of Regulations
AMEND: 1399.696
Filed 07/03/01
Effective 08/02/01
Agency Contact: JoAnn Bodnaras (916) 263-0315

BOARD OF PRISON TERMS
Parole Supervision and Parole Revocation

This action makes non-substantive changes to regulations regarding length and conditions of parole, parole violations and reports, and revocation procedures, to conform them to amended Penal Code statutes.

Title 15
California Code of Regulations
AMEND: 2513(e), 2616(a)(8), 2646(c)(3)
Filed 06/28/01
Effective 06/28/01
Agency Contact: Lori Manieri (916) 445-5277

CALIFORNIA HIGHWAY PATROL
Motor Carrier Safety—Farm Labor Vehicles

This regulatory action provides for the design, display, and disposal of farm labor vehicle certification stickers pursuant to Vehicle Code section 31401.5; farm labor vehicle inspection scheduling; required markings and the display and content of interior notices for farm labor vehicles; and farm labor passenger seating and seat belt requirements.

Title 13
California Code of Regulations
ADOPT: 1231.5, 1234.5, 1270.3 AMEND: 1256, 1270
Filed 07/03/01
Effective 08/02/01
Agency Contact: Gary Ritz (916) 445-1865

DEPARTMENT OF BOATING AND WATERWAYS
Public and Private Loan Regulation

This regulatory action implements the "Small Craft Harbors and Connecting Waterways" loan program, and the "Recreational Marina Loan" program.

Title 14
California Code of Regulations
ADOPT: 5104, 5170, 5171, 5172, 5173, 5174, 5175, 5176 AMEND: 5100, 5102, 5103, 5105, 5106, 5107
Filed 07/02/01
Effective 08/01/01
Agency Contact: Mike Sotelo (916) 263-0787

DEPARTMENT OF CORRECTIONS
Research Advisory Committee

This rulemaking action gives the Director greater flexibility when appointing Research Advisory Committee members, by removing reference to their specific titles/organizational positions. This will eliminate the need to amend this section based on changes in job titles or other organizational changes.

Title 15
California Code of Regulations
AMEND: 3369.5
Filed 07/03/01
Effective 08/02/01
Agency Contact: Peggy McHenry (916) 324-6775

DEPARTMENT OF DEVELOPMENTAL SERVICES
Special Incident Reporting

This emergency rulemaking amends special incident reporting for vendors, long-term health care facilities and regional centers.

Title 17
California Code of Regulations
ADOPT: 54327.2 AMEND: 54302, 54327, 54327.1, 58651
Filed 06/27/01
Effective 07/01/01
Agency Contact: David J. Judd (916) 654-2257

DEPARTMENT OF FOOD AND AGRICULTURE
Karnal Bunt Disease Interior Quarantine

This emergency rulemaking removes the quarantine on the portion of Imperial County (Bard-Winterhaven) for Karnal bunt disease.

Title 3
California Code of Regulations
AMEND: 3430(b)
Filed 07/02/01
Effective 07/02/01
Agency Contact:
Barbara J. Hass (916) 654-1017

DEPARTMENT OF PESTICIDE REGULATION
Methyl Bromide Field Fumigation—Public Roadways

This emergency action amends the standards for the boundaries of the inner buffer zone associated with methyl bromide fumigation of fields in order to allow fumigation to be performed closer to roads.

Title 3
California Code of Regulations
AMEND: 6450.2, 6450.3
Filed 06/27/01
Effective 06/27/01
Agency Contact:
Linda Irokawa-Otani (916) 445-3991

DEPARTMENT OF REHABILITATION
Level of Significance of Disability

This emergency action introduces a new procedure for determining the order of selection of individuals eligible for vocational rehabilitation services so that the Department may utilize a more efficient, reliable and valid method.

Title 9
California Code of Regulations
AMEND: 7050, 7051, 7053, 7054, 7056, 7057
Filed 06/28/01
Effective 07/01/01
Agency Contact: Joseph O. Egan (916) 263-8977

DEPARTMENT OF SOCIAL SERVICES
CCL Fees and Renewals

The Department of Social Services is amending the captioned sections pertaining to title 22, California Code of Regulations, and their Manual of Policy and Procedures in order to remove language pertaining to the renewal of an application for licensure.

Title 22, MPP
California Code of Regulations
AMEND: 80018, 80027, 80029, 80034, 80036, 83017, 87001, 87017, 87027, 87029, 87034, 87036, 87044, 87045, 87101, 87218, 87224, 87230, 87235, 87340, 87834, 89019, 89043 REPEAL: 80032, 80033, 80041, 83032, 87032, 87033, 87041, 87233, 87234
Filed 06/29/01
Effective 06/29/01
Agency Contact:
Anthony J. Velasquez (916) 657-2586

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Precast Concrete Construction

The proposed regulatory action amends provisions governing precast, prefabricated concrete construction and tilt-up concrete panel construction.

Title 8
California Code of Regulations
AMEND: 1714, 1715
Filed 07/02/01
Effective 08/01/01
Agency Contact: Marley Hart (916) 274-5721

SAN FRANCISCO BAY CONSERVATION AND
DEVELOPMENT COMMISSION
Dredged Material Disposal Allocations

This rulemaking action establishes a procedure for the Commission to use to determine whether it should implement a mandatory individual in-Bay dredged material allocation program once the decision making procedure has been triggered. The regulations specifically: (1) adopt a decreasing series of in-Bay dredged material disposal target volumes for three year periods beginning with 2001–2003; (2) provide that, starting with the triennial review in 2004 if the Executive Director determines that the average annual total of the amount of dredged material disposed of during the preceding three year period exceeds the disposal target volume, or if the Long Term Management Strategy Management Committee so requests, the Commission must commence a rulemaking action pursuant to the Administrative Procedure Act to determine whether to implement a mandatory individual in-Bay dredged material allocation program; (3) provide that the Commission shall implement a mandatory program unless a majority of the voting Commissioners vote against implementing such a program; (4) provide that unused allocations can be carried over from one period to another; (5) define the term “small dredger” and provide that small dredgers are exempt from the allocation program; (6) provide for the termination of the program under specified circumstances; and (9) provide that an allocation program can be re-implemented after a previous allocation program has been terminated.

Title 14
California Code of Regulations
ADOPT: 10720, 10721, 10726, 10727, 10728, 10729
Filed 06/28/01
Effective 07/28/01
Agency Contact:
Jonathan T. Smith (415) 352-3655

STATE PERSONNEL BOARD
DMV Demonstration Project

Pursuant to Government Code section 19602, the Board is authorizing a demonstration project affecting the Department of Motor Vehicles. In this demonstration project, examinations for certain manager and supervisor positions will be conducted, with specified exceptions, pursuant to the regulations governing selection for Career Executive Assignments, rather than pursuant to the laws ordinarily applicable to such civil service examinations.

Title 2
California Code of Regulations
ADOPT: 549.80
Filed 06/27/01

Effective 06/27/01

Agency Contact: Steve Unger (916) 654-0842

**STATE WATER RESOURCES CONTROL BOARD
Compliance Schedules in NPDES Permits**

This amendment would revise the Water Quality Control Plan for the Santa Ana region to permit the Santa Ana Regional Water Quality Control Board to include schedules for compliance within NPDES (National Pollutant Discharge Elimination System) permits for effluent limitations which implement water quality objectives adopted, revised or newly interpreted after the amendment's effective date, as long as the permit-seeker meets certain requirements and demonstrates that it is proceeding within the shortest time possible, and in no case for longer than ten years. OAL has reviewed the amendment pursuant to the requirements of Government Code section 11353.

Title 23

California Code of Regulations

AMEND: 3976

Filed 06/28/01

Effective 06/28/01

Agency Contact: Linda Rao (916) 341-5554

**SUPERINTENDENT OF PUBLIC INSTRUCTION
CalWORKS Child Care Programs**

This emergency regulatory action adopts the requirements for participation in Stages 2 and 3 of CalWORKS child care services.

Title 5

California Code of Regulations

ADOPT: 18400, 18405, 18406, 18407, 18408, 18409, 18409.5, 18410, 18411, 18412, 18413, 18414, 18415, 18416, 18417, 18418, 18419, 18420, 18421, 18422, 18423, 18424, 18425, 18426, 18427, 18428, 18429, 18430, 18431, 18432, 18433, 18434

Filed 06/28/01

Effective 06/28/01

Agency Contact: Peggy Peters (916) 657-4440

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN FEBRUARY 28, 2001
TO JULY 04, 2001**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

06/20/01 ADOPT: 125.5 AMEND: 121, 122, 123, 124, 125, 126, 127, 128

Title 2

06/27/01 ADOPT: 549.80

06/26/01 AMEND: 18406, 18427.1, 18723, 18960

06/25/01 ADOPT: 18539, 18539.2, 18550

06/19/01 ADOPT: 18421.4, 18542

06/13/01 AMEND: 1859.2, 1859.20, 1859.21, 1859.30, 1859.33, 1859.40, 1859.42, 1859.43, 1859.50, 1859.51, 1859.60, 1859.70, 1859.71.1, 1859.72, 1859.73.1, 1859.74.1, 1859.75.1, 1859.76, 1859.78.2, 1859.78.3, 1859.79.1, 1859.79.3, 1859.81, 1859.81.1, 1859.82

06/12/01 ADOPT: 1139

05/29/01 ADOPT: 2980, 2980.1, 2980.2, 2980.3, 2980.4, 2980.5, 2980.6, 2980.7, 2980.8, 2980.9

05/04/01 AMEND: 18523, 18523.1, 18531, 18533, 18537 REPEAL: 18519.4, 18530.1, 18530.7, 18531.1, 18531.3, 18531.4, 18531.5, 18532, 18535, 18539, 18541, 18550, 18262

05/01/01 ADOPT: 2980, 2980.1, 2980.2, 2980.3, 2980.4, 2980.5, 2980.6, 2980.7, 2980.8, 2980.9

05/01/01 ADOPT: 18503 REPEAL: 18502, 18502.1

04/30/01 AMEND: 1896.300, 1896.310, 1896.320, 1896.330, 1896.340, 1896.350, 1896.360, 1896.370

04/24/01 AMEND: Ch. 9, sec. 30000

04/05/01 ADOPT: 1183.09, 1183.21, 1188.31

04/05/01 AMEND: 1859.83

04/04/01 AMEND: Chapter 73, section 56200

03/06/01 ADOPT: 1186.6, 1186.61, 1186.62
AMEND: 1181.2, 1181.3, 1186.5, 1186.51, 1186.52, 1186.72, 1186.6, 1186.61, 1186.62

03/01/01 AMEND: 20802

Title 3

07/02/01 AMEND: 3430(b)

06/27/01 AMEND: 6450.2, 6450.3

06/20/01 AMEND: 6100, 6102, 6110, 6116, 6118, 6122, 6130, 6140, 6141, 6152, 6153, 6154, 6156, 6157, 6158, 6159, 6160, 6171, 6176, 6177, 6178, 6179, 6181, 6182, 6184, 6185, 6187, 6188, 6189, 6191, 6192, 6197.5, 6200, 6206, 6210, 6215, 6222, 6223, 6225, 6226, 6240

06/15/01 ADOPT: 1301, 1301.1, 1301.2, 1301.4, 1301.5, 1301.6, 1301.7, 1301.8, 1301.9

05/22/01 ADOPT: 3700

05/04/01 AMEND: 1359, 1392.4, 1436.30 REPEAL: 1359.1, 1360, 1361, 1362, 1363

03/19/01 ADOPT: 3650, 3651, 3652, 3654, 3655,
3656, 3657, 3658, 3659, 3660
03/15/01 AMEND: 6400
03/13/01 REPEAL: 1438.23.1, 1438.25.1,
1438.25.2, 1438.25.3, 1438.24.4
03/08/01 ADOPT: 3661, 3662, 3663 AMEND:
3652

Title 4

05/22/01 AMEND: 2000
04/11/01 ADOPT: 7000, 7001, 7002, 7003, 7004,
7005, 7006, 7007, 7008, 7009, 7010,
7011, 7012, 7013, 7014, 7015, 7016, 7017
03/20/01 AMEND: 214, 546
03/05/01 AMEND: 10300, 10302, 10305, 10310,
10315, 10317, 10320, 10322, 10325,
10326, 10327, 10328, 10330, 10335,
10337
02/28/01 AMEND: 1632

Title 5

06/28/01 ADOPT: 18400, 18405, 18406, 18407,
18408, 18409, 18409.5 18410, 18411,
18412, 18413, 18414, 18415, 18416,
18417, 18418, 18419, 18420, 18421,
18422, 18423, 18424, 18425, 18426,
18427, 18428, 18429, 18430, 18431,
18432, 18433, 18434
06/20/01 ADOPT: 1200, 1203, 1204, 1205, 1206,
1207, 1208, 1209, 1210, 1211, 1212,
1215, 1216, 1217, 1218, 1220, 1225
06/15/01 AMEND: 80026, 80027
06/13/01 ADOPT: 4914, 4915, 4915, 4916, 4917,
4925, 4926, 4927, 4963, 4964, 4965
AMEND: 4900, 4901, 4902, 4910, 4911,
4912, 4913, 4920, 4921, 4922, 4930,
4931, 4940, 4960
06/11/01 ADOPT: 1031, 1032, 1032(i), 1033,
1034, 1035, 1036, 1037, 1038, 1039
06/05/01 AMEND: 18302
05/15/01 ADOPT: 30007, 30008, 30009, 30023,
3024, 30025, 30026, 30027
05/09/01 AMEND: 850, 852, 853, 855, 857, 858,
859, 862, 864.5, 866, 867, 867.5, 868,
870, 880, 884, 891, 894
04/30/01 AMEND: Section 30060
04/25/01 ADOPT: 80016
04/02/01 AMEND: 80303
03/29/01 ADOPT: 90000, 90001, 90002, 90003,
90004, 90005, 90006, 90007, 90008,
90009

Title 8

07/02/01 AMEND: 1714, 1715
06/25/01 AMEND: 1662(j)
06/19/01 AMEND: 1504, 3622
06/13/01 ADOPT: 34050, 34055, 34060, 34065,
51720 AMEND: 32001, 32050, 32155,

32700, 32720, 32721, 32990, 32991,
34020, 34030, 34040, 40178, 40400,
40410, 40420, 51700, 51710, 51730
REPEAL: 34000, 34010

06/13/01 AMEND: 5189(n)

06/11/01 ADOPT: 32015, 32016, 32325, 32603,
32604, 60000, 60010, 60020, 60030,
60035, 60040, 60050, 60060, 60070,
61000, 61005, 61010, 61020, 61030,
61040, 61050, 61055, 61060, 61065,
61070, 61072, 61075, 61080, 61090,
61100, 61105, 61110, 61115, 61120,
61125

06/11/01 AMEND: 5209(d)(2)(B)(C)(D)

05/30/01 AMEND: 9790.1, 9792.1

05/30/01 ADOPT: 10124.1

05/23/01 AMEND: 9714, 9714.5

05/10/01 REPEAL: 15402.1(4)

05/07/01 AMEND: 4188(b)

05/07/01 ADOPT: 15251(b)(1)(B) AMEND:
15251(b)(2), 15251(c)(2)(A),
15251(b)(6)

05/02/01 ADOPT: 11.5, 118, 119 AMEND: 1

04/25/01 AMEND: 5157, 5158, 8355

04/19/01 AMEND: 15230

04/09/01 AMEND: 1541.1

04/06/01 AMEND: 1637, 1658

03/26/01 AMEND: 1629

03/14/01 AMEND: 9792.1

03/06/01 AMEND: 3465(a), 3472, 3475

Title 9

06/28/01 AMEND: 7050, 7051, 7053, 7054, 7056,
7057

05/17/01 AMEND: 7263, 7264.2, 7264.6

04/25/01 ADOPT: 9500, 9510, 9517, 9530, 9533
AMEND: 9505, 9515, 9520, 9525, 9535,
9540, 9545

03/22/01 ADOPT: 9500, 9505, 9510, 9520, 9525,
9535, 9540 AMEND: 9515, 9530, 9545

03/19/01 ADOPT: 9823.1

03/12/01 ADOPT: 400 REPEAL: 400

Title 10

06/19/01 ADOPT: 2498.6

06/13/01 ADOPT: 2187.3 AMEND: 2186.1,
2187.1, 2187.2, 2188, 2188.2, 2188.3,
2188.2, 2188.5, 2188.6, 2188.8, and
2188.9 REPEAL: None

06/11/01 ADOPT: 4081, 4081.1, 4081.2, 4081.3,
4081.4, 4081.5, 4081.6, 4081.7, 4081.8

06/04/01 AMEND: 310.001

06/01/01 ADOPT: 2695.30 AMEND: None
REPEAL: None

05/24/01 ADOPT: 260.105.40, 260.204.10,
260.204.11

05/23/01 AMEND: 2699.100

05/16/01 AMEND: 2716, 2790.1, 2805.1

05/11/01 ADOPT: 2278, 2278.2, 2278.3, 2278.4, 2278.5
 05/02/01 ADOPT: 260.102.19, 260.140.41, 260.140.42, 260.140.45, 260.140.46
 04/30/01 ADOPT: 2130, 2130.1, 2130.2, 2130.3, 2130.4, 2130.5, 2130.6, 2130.7, 2130.8
 04/02/01 ADOPT: 260.204.12
 04/02/01 ADOPT: 10.19605
 03/14/01 ADOPT: 260.402
 03/06/01 ADOPT: 5404.1, 5906 AMEND: 5900, 5901, 5904, 5905

Title 11

06/05/01 AMEND: 1081(a)(2)
 06/01/01 ADOPT: 410, 411, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426
 06/01/01 ADOPT: 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008
 05/22/01 AMEND: 1005
 05/18/01 ADOPT: 977.10, 977.15, 977.20, 977.30, 977.31, 977.32, 977.33, 977.34, 977.35, 977.36, 977.40, 977.41, 977.42, 977.43, 977.44, 977.45, 977.46, 977.47, 977.48, 977.49, 977.50, 977.51, 977.55, 977.60, 977.70, 977.71, 977.80, 977.90
 04/20/01 ADOPT: 999.5 AMEND: 999.2(f) REPEAL: 999.2(e), 999.5
 04/11/01 AMEND: 1015(e)

Title 12

04/06/01 ADOPT: 302.1, 302.2, 302.3 AMEND: 302, 309.2

Title 13

07/03/01 ADOPT: 1231.5, 1234.5, 1270.3 AMEND: 1256, 1270
 06/26/01 ADOPT: 80.00, 80.25 AMEND: 80.50, 80.55, 80.60, 80.65, 80.70, 80.75, 80.90
 06/22/01 ADOPT: 125.00, 125.06, 125.12, 125.16, 125.18, 125.20, 125.22, AMEND: 100.91, 100.93, 100.92, 100.94, 100.95
 06/13/01 AMEND: 350.02, 350.03, 350.04, 350.06, 350.16, 350.20, 350.22, 350.24, 350.28, 350.34, 350.36, 350.38, 350.40, 350.44, 350.46, 350.48, 350.50
 06/04/01 AMEND: 1956.1, 1956.2, 1956.4
 05/24/01 AMEND: 1130
 05/24/01 AMEND: 20.04
 05/22/01 ADOPT: 55.01, 55.02, 55.03, 55.04, 55.05, 55.06
 05/14/01 AMEND: 268.04, 314.00
 04/30/01 AMEND: 1956.6, 1961
 03/22/01 AMEND: 1224, 1225
 03/05/01 REPEAL: 343.00, 343.02, 343.03, 343.04, 343.05, 343.06

Title 14

07/02/01 ADOPT: 5104, 5170, 5171, 5172, 5173, 5174, 5175, 5176 AMEND: 5100, 5102, 5103, 5105, 5106, 5107
 06/28/01 ADOPT: 10720, 10721, 10726, 10727, 10728, 10729
 06/26/01 AMEND: 18755(g), 18757(e), 18776e, 18794(h)(1), 18794.1(c)(1), 18800(d), 18801(a)(4), 18813(c)
 06/18/01 ADOPT: 150.03
 06/18/01 ADOPT: None AMEND: 14ccr 1038 by adopting subsection(g) REPEAL: None
 06/18/01 ADOPT: 8.20 AMEND: 5.86
 06/11/01 AMEND: 2200
 05/25/01 AMEND: 817.02, 818.02
 05/21/01 AMEND: 360, 361, 362, 363, 364, 401
 05/17/01 ADOPT: 17367, 17368, 17369, 17370.1, 17370.2, 18225
 05/14/01 AMEND: 11900
 05/14/01 ADOPT: 14020
 05/09/01 AMEND: 182
 05/08/01 ADOPT: 20030, 20040, 20050, 20060, 20070, 20080, 20090, 20100, 20110
 04/30/01 AMEND: 2.02, 7.50
 04/26/01 ADOPT: 749..1
 04/26/01 AMEND: 228, 757
 04/24/01 AMEND: 238.6
 04/23/01 AMEND: 27.80
 04/16/01 AMEND: 791, 791.7, Form FG OSPR-1972 (12/00)
 04/12/01 ADOPT: 18304.1, 18304.2, 18304.3, 18304.4 AMEND: 18011, 18080, 18081, 18082, 18083, 18084, 18301, 18302, 18303, 18304, 18304.5, 18306, 18307, 18350, 18351, REPEAL: 18305, 18309, 18310, 18311, 18312, 18313, 18353, 18354, 18355
 04/11/01 ADOPT: 18570, 18571, 18572, 18573, 18574, 18575, 18576, 18577, 18578, 18579, 18580
 03/28/01 ADOPT: 120.01 AMEND: 120
 03/20/01 AMEND: 11900, 11945
 03/12/01 AMEND: 2200
 03/05/01 ADOPT: 1.90, 27.67, 27.82, 28.26, 28.58, 150.01, 150.06, 150.16, 150.17 AMEND: 27.60, 28.27, 28.28, 28.29, 28.54, 28.55, 28.65, 120, 120.3, 195
 03/05/01 AMEND: 402

Title 15

07/03/01 AMEND: 3369.5
 06/28/01 AMEND: 2513(e), 2616(a)(8), 2646(c)(3)
 06/19/01 AMEND: 4622
 05/29/01 AMEND: 179

05/21/01 AMEND: 2512(a)(5)(b)
 05/11/01 ADOPT: 3605
 05/09/01 AMEND: 4900
 05/08/01 AMEND: 2601(b), 2605(c), 2637(b)(6),
 2647.1(b)
 05/03/01 ADOPT: 3377.2 AMEND: 3000, 3377.1
 04/04/01 AMEND: 3139.
 04/03/01 AMEND: 3145
 03/22/01 AMEND: 3336
 03/16/01 ADOPT: 2239, 2830 AMEND: 2000,
 2269.1(a)(2), 2218(d), 2284(a),
 2317(c)(1), 2402(d)(5), 2405(a)
 03/08/01 AMEND: 3090

Title 16

07/03/01 AMEND: 1399.696
 07/02/01 ADOPT: 355.2
 06/22/01 ADOPT: 1775.15 AMEND: 1775, 1775.2
 REPEAL: 1775.1
 06/20/01 AMEND: 1399.417, 1399.419, 1399.443,
 1399.444 REPEAL: 1399.445
 06/11/01 AMEND: 1399.101, 1399.102, 1399.105,
 1399.113, 1399.114, 1399.115, 1399.116,
 1399.118, 1399.120, 1399.121, 1399.131,
 1399.133, 1399.134, 1399.135, 1399.136,
 1399.137, 1399.138, 1399.139, 1399.140,
 1399.141, 1399.142, 1399.144 REPEAL:
 1399.104
 06/07/01 AMEND: 2649
 06/07/01 AMEND: 1399.511, 1399.556
 06/06/01 AMEND: 1444
 05/17/01 ADOPT: 2616, 2624
 05/16/01 ADOPT: 980.1 AMEND: 974
 05/10/01 AMEND: 901
 05/03/01 AMEND: 5.1, 70, 93, 98
 04/25/01 AMEND: 1575
 04/25/01 REPEAL: 1533.1
 04/19/01 AMEND: 331.13
 04/17/01 AMEND: 2655 REPEAL: 2611
 04/17/01 AMEND: 331.12.2, 331.12.3, 331.13
 04/16/01 AMEND: 2000, 2200, 2305, 2310, 2320,
 2401, 2501, 2645, 2685, 2745
 04/09/01 ADOPT: 1714.5
 04/06/01 REPEAL: 1560
 04/05/01 AMEND: 1388.6, 1392, 1397.63
 04/02/01 REPEAL: 1046
 03/27/01 ADOPT: 3394.6 AMEND: 3340.1,
 3394.1, 3394.2, 3394.3, 3394.4, 3394.5
 REPEAL: 3340.9
 03/22/01 AMEND: 1805.1 REPEAL: 1817,
 1850.8, 1873
 03/20/01 ADOPT: 1611(e) AMEND: 1611(c),
 1611(d), 1613, 1620, 1621, 1678, 1690

03/20/01 AMEND: 442
 03/20/01 REPEAL: 1665, 1666, 1667, 1668, 1669,
 1671, 1672, 1673
 03/19/01 ADOPT: 4000, 4001, 4010, 4011, 4012,
 4013, 4020, 4021, 4022, 4023, 4024,
 4025, 4030, 4031, 4032, 4033, 4034,
 4040
 03/19/01 ADOPT: 355(c) AMEND: 355(b), 355(d)
 03/15/01 AMEND: 407
 03/14/01 AMEND: 2680
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REGULATIONS FILED WITH THE SECRETARY OF STATE

FIRST AND SECOND QUARTERS 2001

JANUARY 1, 2001 TO JUNE 30, 2001

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

ACUPUNCTURE BOARD

Deleting Clinical Examination Requirement

Conforming to a 1999 legislative change (AB 1105), the Board is deleting references to passage of a clinical examination from its regulations.

Title 16

California Code of Regulations

AMEND: 1399.417, 1399.419, 1399.443, 1399.444

REPEAL: 1399.445

Filed 06/20/01

Effective 06/20/01

Agency Contact:

Marilyn Nielsen

(916) 263-2682

AIR RESOURCES BOARD

Agricultural Burning Guidelines

This rulemaking action revises the Air Resources Board (ARB) Agricultural Burning Guidelines to provide increased opportunities for agricultural burning while minimizing smoke impacts on the public. The action provides that the ARB may as an alternative to specifying a day as a permissive burn day, or a no-burn day declare a marginal burn day which allows a district to authorize limited burning. The revised Guidelines require each air district or region in the state to develop a smoke management program for agricultural burning (including prescribed burning) and specifies program elements and requirements that must be included, unless the Executive Officer of the Air Resources Board approves an alternative burn authorization system for a district or region. A program must require registration of all planned burn projects and require submittal of a smoke management plan for review and approval by a district

for all burn projects greater than 10 acres or estimated to produce more than 1 ton of particulate matter, including naturally-ignited wildland fires managed for resource benefits. A smoke management plan for a burn project greater than 100 acres or estimated to produce more than 10 tons of particulate matter must include an evaluation of alternatives to burning. If smoke may impact smoke sensitive areas, a smoke management plan must include appropriate monitoring. The action also establishes procedures for smoke management program approval by the ARB and appeal of disapprovals.

Title 17

California Code of Regulations

ADOPT: 80145, 80179 AMEND: 80100, 80101, 80102, 80110, 80120, 80130, 80140, 80150, 80155, 80160, 80170, 80180, 80200, 80210, 80230, 80240, 80250, 80260, 80270, 80280, 80290, 80300, 80310, 80311, 80320, 80330 REPEAL: 80175

Filed 03/14/01

Effective 03/14/01

Agency Contact:

Leslie M. Krinsk (805) 473-7325

AIR RESOURCES BOARD

Area Designations/State Ambient Air Ambient Air Quality Standards

This rulemaking amends the area designations for California with respect to the State ambient air quality standards. Specifically, this rulemaking redesignates Butte, Glenn, and Mono Counties from nonattainment-transitional to nonattainment for ozone.

Title 17

California Code of Regulations

AMEND: 60201

Filed 05/30/01

Effective 06/29/01

Agency Contact: George Poppic (916) 322-3940

AIR RESOURCES BOARD

Hot Spots Fee Regulation FY 2000–2001

The regulatory action deals with the “Hot Spots” fees.

Title 17

California Code of Regulations

AMEND: 90705

Filed 05/30/01

Effective 05/30/01

Agency Contact: Noreen Skelly (916) 322-2884

AIR RESOURCES BOARD

Consumer Products Aerosol Adhesives

This rulemaking action replaces the 25 percent volatile organic compound (VOC) standard, which was to become effective for all aerosol adhesives on January 1, 2002, with standards for three categories and seven subcategories of aerosol adhesives ranging

from 55 to 70 percent VOCs, prohibits the use of the toxic air contaminants methylene chloride, perchloroethylene, and trichloroethylene in aerosol adhesives manufactured after January 1, 2002, but provides that products manufactured by that date may be sold or supplied until January 1, 2005. The action also imposes corresponding labeling and reporting requirements on manufacturers and distributors of aerosol adhesives.

Title 17

California Code of Regulations

AMEND: 94508, 94509, 94512, 94513

Filed 04/18/01

Effective 05/18/01

Agency Contact:

Robert C. Jenne (916) 322-2884

AIR RESOURCES BOARD

Aerosol Coating Products

This action implements a change from mass based VOC emission limits for aerosol coatings to a system of limits based upon the reactivity of the VOCs comprising aerosol coating products.

Title 17

California Code of Regulations

ADOPT: 94700, 94701 AMEND: 94521, 94522, 94523, 94524, 94526

Filed 06/18/01

Effective 07/18/01

Agency Contact:

Robert C. Jenne (916) 322-2884

AIR RESOURCES BOARD

Enhanced Vapor Recovery (CP—201, Section 18)

This emergency action amends the Board’s procedure for certification of vapor recovery systems used at gasoline stations by adding a new section 18 that provides for a certification period of four years.

Title 17

California Code of Regulations

AMEND: 94011

Filed 05/31/01

Effective 06/01/01

Agency Contact:

Diane M. Johnston (916) 322-2884

AIR RESOURCES BOARD

Consumer Products Antiperspirants and Deodorants

This rulemaking action raises the allowable percent of volatile organic compounds by weight for high volatility organic compounds (HVOCs) in antiperspirants from 0 to 40 for products manufactured beginning January 1, 2001, clarifies that the rule 94502(d) “Special Requirements for Aerosol Manufacturers” apply only to aerosol products manufactured before January 1, 1999, modifies reportable

information, and changes reporting from annually to upon receipt of a 90 day written notice from the Air Resources Board.

Title 17
California Code of Regulations
AMEND: 94502, 94504
Filed 06/06/01
Effective 06/06/01
Agency Contact:
Robert C. Jenne (916) 322-2884

AIR RESOURCES BOARD

Enhance Vapor Recovery

This action sets more rigorous standards and test procedures for Board certification of equipment used for gasoline vapor recovery during refueling of vehicles and District evaluation of equipment in use.

Title 17
California Code of Regulations
ADOPT : 94163 AMEND : 60030, 94010, 94011, 94148, 94149, 94154
Filed 03/20/01
Effective 04/01/01
Agency Contact:
Diane M. Johnston (916) 322-2884

AIR RESOURCES BOARD

Transit Bus Standards

The regulatory action deals with public transit bus fleets and emission standards for new urban buses and is effective upon filing pursuant to Government Code section 11343.4. (Prior OAL File 00-1208-03S.)

Title 13
California Code of Regulations
AMEND: 1956.1, 1956.2, 1956.4
Filed 06/04/01
Effective 06/04/01
Agency Contact:
Leslie M. Krinsk (805) 473-7325

AIR RESOURCES BOARD

Automotive Maintenance Repair ATCM

This regulation establishes airborne toxic control measures for methylene chloride (MeCl), perchloroethylene (Perc), and trichloroethylene(TCE), each of which has previously been identified by the Air Resources Board as a toxic air contaminant. The measures provide that brake cleaners, carburetor or fuel-injection air intake cleaners, engine degreasers, and general purpose degreasers manufactured after June 30, 2001 and sold or intended for sale in California must not contain one percent or more by weight of MeCL, Perc, or TCE. The regulation provides manufacturers with a sell-through period (a 12-month opportunity to sell affected products manufactured on or before June 30, 2001) and provides facility owners and operators with six months to use

affected products after the end of the sell-through period. The regulation also establishes standards and procedures for obtaining a variance and establishes a test method for determining compliance with the regulation. There are no comparable federal regulations regarding emissions from the use of automotive consumer products containing MeCL, Perc, or TCE in automotive maintenance and repair activities.

Title 17
California Code of Regulations
ADOPT: 93111
Filed 04/04/01
Effective 04/04/01
Agency Contact:
Robert C. Jenne (916) 322-2884

AIR RESOURCES BOARD

Transit Bus Standards

The regulatory action deals with public transit bus fleets and emission standards for new urban buses. The regulations incorporate by reference "California Certification Procedures for PM Retrofit Devices For On-Road Heavy-Duty Diesel Engines" (adopted November 22, 2000), "California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles" (adopted April 8, 1985 and last amended November 22, 2000) and "California Motor Vehicle Emission Control and Smog Index Label Specifications" (adopted March 1, 1978 and last amended November 22, 2000). The regulatory action is effective on filing pursuant to Government Code section 11343.4, subdivision (c). PLEASE NOTE: Only subsection (c)(8) of section 1956.2 and cross references to subsection (c)(8) contained in subsection (a)(11) of section 1956.1, subsection (c)(5) of section 1956.2 and subsection (3)(a) ix. of the incorporated by reference "California Motor Vehicle Emission Control and Smog Index Label Specifications" (adopted March 1, 1978 and last amended November 22, 2000) are disapproved for incorrect procedure.

Title 13
California Code of Regulations
ADOPT: 1956.1, 1956.2, 1956.3, 1956.4 AMEND: 1956.8, 1965
Filed 01/23/01
Effective 01/23/01
Agency Contact:
Leslie M. Krinsk (805) 473-7325

AIR RESOURCES BOARD

Light & Medium Duty LEV Alignment HDGE

This action better aligns California's exhaust emission standards for heavy duty gasoline engine vehicles and California's LEV 2 Program with federal standards for heavy duty vehicles and new federal Tier 2 standards for passenger cars and light trucks.

Title 13
California Code of Regulations
AMEND: 1956.6, 1961
Filed 04/30/01
Effective 05/30/01
Agency Contact:
W. Thomas Jennings (916) 322-2884

ATHLETIC COMMISSION
HIV/HBV Test Reporting

This rulemaking specifies that the phrase "within 30 days prior to the date of application" means that the blood test required for application for or renewal of a license as a professional boxer or material arts fighter will be accepted no later than 30 days from the date of the test report.

Title 4
California Code of Regulations
AMEND: 214, 546
Filed 03/20/01
Effective 04/19/01
Agency Contact: Leydis Church (916) 263-2197

**BOARD FOR GEOLOGISTS AND
GEOPHYSICISTS**
Definitions

The Board of Registration for Geologists and Geophysicists has been changed to Board for Geologists and Geophysicists. The subject amendments are providing for that change.

Title 16
California Code of Regulations
AMEND: 3000, 3003, 3005
Filed 02/28/01
Effective 03/30/01
Agency Contact:
Mary Lynn Ferreira (916) 263-2113

**BOARD FOR PROFESSIONAL ENGINEERS AND
LAND SURVEYORS**
Establishment of Fees for Retired Status

This regulatory action adopts a licensing fee for retired licensees.

Title 16
California Code of Regulations
AMEND: 407
Filed 03/15/01
Effective 04/14/01
Agency Contact: David E. Brown (916) 263-2020

**BOARD FOR PROFESSIONAL ENGINEERS AND
LAND SURVEYORS**
Examination Subversion

The proposed regulatory action amends the examination fraud provisions detailing actions which constitute subversion and the consequences which will be imposed..

Title 16
California Code of Regulations
AMEND: 442
Filed 03/20/01
Effective 03/20/01
Agency Contact: Donna J. Vaum (916) 263-2250

**BOARD FOR PROFESSIONAL ENGINEERS AND
LAND SURVEYORS**
Experience Requirements

This action separates the education and experience standards applicable to engineers and land surveyors into two regulations, deletes an expired provision allowing waiver of the professional engineer's fundamentals examination, and establishes criteria for evaluation of the sufficiency of surveyor's "responsible field training" and "responsible office training."

Title 16
California Code of Regulations
ADOPT: 425 AMEND: 424, 438
Filed 01/25/01
Effective 02/24/01
Agency Contact:
Howard W. Brunner (916) 263-2271

BOARD OF ACCOUNTANCY
Permit Processing/Fee/Renew/Disciplinary Guidelines

This rulemaking action specifies time frames for processing applications for approval of credential evaluation services, revises fees for exams and issuance of certified public accountant certificates, and incorporates by reference the 4th edition of the Board's disciplinary guidelines. The Board withdrew from review the amendments to section 93, which concerned expiration and renewal times for, and the process for renewal of permits issued to accountancy partnerships or accountancy corporations.

Title 16
California Code of Regulations
AMEND: 5.1, 70, 93, 98
Filed 05/03/01
Effective 07/01/01
Agency Contact: Aronna Granick (916) 263-3788

BOARD OF BEHAVIORAL SCIENCES
Corporation Registration and Experience

The proposed nonregulatory action would repeal provisions regarding registration of professional corporations and a section titled "Experience" which only applies to applicants before January 1, 1990.

Title 16
California Code of Regulations
AMEND: 1805.1 REPEAL: 1817, 1850.8, 1873
Filed 03/22/01
Effective 04/21/01
Agency Contact:
Julie McAuliffe (916) 445-4933 x1142

BOARD OF CHIROPRACTIC EXAMINERS

Nonsubstantive Text Modifications

This nonregulatory action would correct the formatting for some of the subsections by changing the lettering assigned to those subsections to conform to the format of the remainder of the section.

Title 16

California Code of Regulations

AMEND: 331.13

Filed 04/19/01

Effective 05/19/01

Agency Contact: Kim Smith (916) 263-5359

BOARD OF CHIROPRACTIC EXAMINERS

Curriculum

The proposed regulatory action would amend the curriculum requirement for physiotherapy to include additional clinical training with a minimum of 30 patient office visits in which physiotherapy procedures are performed by the student on their own clinic patients.

Title 16

California Code of Regulations

AMEND: 331.12.2, 331.12.3, 331.13

Filed 04/17/01

Effective 05/17/01

Agency Contact: Kim Smith (916) 263-5359

BOARD OF CHIROPRACTIC EXAMINERS

Renewal and Restoration

Existing regulation allows a license to be inactive for an indefinite period if not renewed, permitting the licensee to reinstate the license at any later time upon payment of a renewal fee and proof of one year's required continuing education. This regulatory action would limit the renewal period to three years, and, after three years, require proof that the licensee has completed the required number of continuing education units for each year beyond the three years before renewing, and require all the continuing education to occur in the year immediately before renewal/restoration.

Title 16

California Code of Regulations

ADOPT: 355(c) AMEND: 355(b), 355(d)

Filed 03/19/01

Effective 04/18/01

Agency Contact: Kim Smith (916) 263-5359

BOARD OF CORRECTIONS

Conflict of Interest Code

The Board of Corrections is adopting its conflict of interest code which was approved by the Fair Political Practices Commission on November 2, 2000.

Title 15

California Code of Regulations

ADOPT: Section 1

Filed 01/04/01

Effective 02/03/01

Agency Contact: Marilyn Coombs (916) 323-8631

BOARD OF CORRECTIONS

Minimum Standards for Local Juvenile Facilities

This regulatory action amends the minimum standards for local juvenile facilities.

Title 15

California Code of Regulations

ADOPT: 1327, 1328 AMEND: 1302, 1310, 1313, 1314, 1321, 1322, 1324, 1326, 1341, 1342, 1343, 1351, 1352, 1353, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1370, 1371, 1372, 1377, 1390, 1391, 1402, 1412, 1431, 1437, 1738, 1450, 1461, 1462, 1463, 1464, 1465,

Filed 01/11/01

Effective 02/10/01

Agency Contact:

Charlene Aboytes (916) 324-1914

BOARD OF CORRECTIONS

Standards & Training of Local Corrections & Probation Officers

This regulatory action increases the minimum hours of instruction required for the Corrections Officer Core Course.

Title 15

California Code of Regulations

AMEND: 179

Filed 05/29/01

Effective 07/01/01

Agency Contact: Wayne Landberg

BOARD OF CORRECTIONS

Minimum Standards for Local Detention Facilities

Section 6030 of the Penal Code directs the Board of Corrections to establish and biennially review minimum standards for local detention facilities. This regulatory action revises the standards already established.

Title 15

California Code of Regulations

AMEND: 1005, 1006, 1008, 1010, 1013, 1020, 1021, 1024, 1025, 1027, 1029, 1051, 1053, 1054, 1055, 1056, 1058, 1061, 1062, 1063, 1066, 1068, 1069, 1070, 1080, 1083, 1206, 1209, 1230, 1241, 1242, 1243, 1245, 1247, 1262, 1265, 1272

Filed 01/11/01

Effective 02/10/01

Agency Contact:

Charlene Aboytes (916) 324-1914

BOARD OF EDUCATION

Award Programs Linked to API

This emergency action revises regulations implementing three statutory awards programs which

provide for ranking and comparing schools, their achievement, growth, and improvement, setting targets, and providing for monetary and non-monetary awards to achieving schools and staff by clarifying eligibility criteria and the applicable funding formulae. The programs were implemented by emergency regulations effective on December 29, 2000.

Title 5

California Code of Regulations

ADOPT: 1038 AMEND: 1032, 1033, 1035, 1039

Filed 01/30/01

Effective 01/30/01

Agency Contact: Peggy Peters (916) 657-4440

BOARD OF EDUCATION

Instructional Materials

This regulatory action updates the "Standards for Evaluating the Social Content of Instructional Materials."

Title 5

California Code of Regulations

AMEND: 9511 REPEAL: 9510

Filed 01/22/01

Effective 02/21/01

Agency Contact: Peggy Peters (916) 657-4440

BOARD OF EDUCATION

Nondiscrimination and Educational Equity

The Board is comprehensively revising its nondiscrimination regulations, to reflect recent legislative changes and to comply with a court order.

Title 5

California Code of Regulations

ADOPT: 4914, 4915, 4915, 4916, 4917, 4925, 4926, 4927, 4963, 4964, 4965 AMEND: 4900, 4901, 4902, 4910, 4911, 4912, 4913, 4920, 4921, 4922, 4930, 4931, 4940, 4960

Filed 06/13/01

Effective 07/13/01

Agency Contact: Peggy Peters (916) 657-4440

BOARD OF EDUCATION

Standardized Testing and Reporting Program

This is the certification of compliance for an action that updates the regulations governing administration of the Standardized Testing And Reporting program to conform with statutory changes in the program and clarifies the rule concerning exemption of students from testing.

Title 5

California Code of Regulations

AMEND: 850, 852, 853, 855, 857, 858, 859, 862, 864.5, 866, 867, 867.5, 868, 870, 880, 884, 891, 894

Filed 05/09/01

Effective 05/09/01

Agency Contact: Peggy Peters (916) 657-4440

BOARD OF EDUCATION

Award Programs Linked to API

This Certificate of Compliance follows emergency actions (OAL file numbers 00-1218-04E and 01-0122-02E) which implemented three statutory awards programs which provide for ranking and comparing schools, their achievement, growth, and improvement, setting targets, and providing for monetary and non-monetary awards to demonstrably improving schools and staff, clarifying eligibility criteria and the applicable funding formulae. The programs were first implemented by emergency regulations effective on December 29, 2000, modified effective February 1, 2001. OAL disapproves subsection 1032(i) which was added as the result of a post-hearing modification.

Title 5

California Code of Regulations

ADOPT: 1031, 1032, 1032(i), 1033, 1034, 1035, 1036, 1037, 1038, 1039

Filed 06/11/01

Effective 06/11/01

Agency Contact: Peggy Peters (916) 657-4440

BOARD OF EDUCATION

California High School Exit Examination

To improve pupil achievement in California high schools and ensure that pupils who graduate from high school demonstrate grade-level competency in English/language arts and mathematics, the Legislature authorized the development of a California high school exit examination and administration of the examination in each public school and state special school that provides instruction in grades 10, 11, and 12. This regulatory action provides the procedures that school districts must follow to administer the California high school exit examination.

Article 3 of the proposed regulations (sections 1215, 1216, 1217, and 1218) entitled "Accommodations" was withdrawn by the Board to make further changes.

Title 5

California Code of Regulations

ADOPT: 1200, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1215, 1216, 1217, 1218, 1220, 1225

Filed 06/20/01

Effective 07/20/01

Agency Contact: Peggy Peters (916) 657-4440

BOARD OF EQUALIZATION

Relief From Liability

The existing regulation defines when taxpayers may be relieved of liability for taxes, penalties, and interest when reasonably relying upon written advice from the Board that the transaction at issue is not subject to tax. This rulemaking requires the Board, when it approves

the use of a reporting method include certain information in its written approval to the taxpayer.

Title 18

California Code of Regulations

AMEND: 1705

Filed 05/23/01

Effective 06/22/01

Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Rules of Practice

This action updates the Board's procedures for appeals and provides more detailed rules for conduct of an appeals conference.

Title 18

California Code of Regulations

AMEND: 5020, 5023, 5030, 5043, 5051, 5053, 5063, 5071, 5075.1, 5076.1, 5079, 5081, 5081.2, 5090, 5091, 5094, 5095

Filed 06/06/01

Effective 07/06/01

Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Resale Certificates

The proposed regulatory action would add a suggested specific resale certificate form for auto body repairs and paint shops and a warning statement regarding the improper use of a resale certificate into the general resale certificate form.

Title 18

California Code of Regulations

AMEND: 1668

Filed 06/06/01

Effective 07/06/01

Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Oil Spill Response, Prevention & Administration Fees Law

This rulemaking defines the terms "petroleum products," and "barrels" for the purposes of the Oil Spill Response, Prevention and Administration Fees Law, and adds electronic record keeping and relief from liability provisions parallel to similar provisions in the sales and use tax regulations. The Oil Spill Fees Law gives the oil spill administrator (within the Department of Fish and Game) authority to set fees for owners of petroleum products or crude oil when it arrives at a marine terminal and operators of pipelines, as specified, and mandates the Board to collect the fees, for which they needed to define terms and procedures more fully.

Title 18

California Code of Regulations

ADOPT: 2240, 2241, 2242, 2250, 2255

Filed 06/06/01

Effective 07/06/01

Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Interstate & Foreign Commerce

The proposed regulatory action exempts from use tax intermodal cargo containers first used in interstate or foreign commerce if specified conditions are met.

Title 18

California Code of Regulations

AMEND: 1620

Filed 06/06/01

Effective 07/06/01

Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Application for Equalization by Member, Alternate Member or Hearing Officer

This non-substantive amendment deletes the county residency requirement for appointment as a special alternate member, conforming this regulation to Revenue and Taxation Code section 1622.6 as amended by Stats. 1999, ch. 941.

Title 18

California Code of Regulations

AMEND: 308.6

Filed 02/13/01

Effective 02/13/01

Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Manufacturing Equipment

This regulatory action amends the application of sales and use tax to sales of equipment used in the manufacturing process to qualified manufacturers. It provides, in part, that consumables, items having a useful life of less than one year, are not tangible personal property for the purpose of the partial tax exemption provided by Revenue and Taxation Code section 6377.

Title 18

California Code of Regulations

AMEND: 1525.2

Filed 06/05/01

Effective 07/05/01

Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Teleproduction or Other Postproduction Service Equipment

In this action filed under to Title 1, CCR, section 100, the Board is revising a tax exemption regulation to reflect the fact that the tax rate has in substance been reduced by 0.25% effective January 1, 2001 pursuant to the Revenue and Taxation Code. The Director of Finance has certified to the Governor that certain statutory conditions have been met.

Title 18
California Code of Regulations
AMEND: 1532
Filed 02/13/01
Effective 02/13/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION
Occasional Sale

Existing section 1595 of title 18 of the CCR provides that, if, in a 12 month period, the operator of a service enterprise makes more than two sales in substantial amounts of tangible personal property used in the service enterprise, none of the sales qualify as an occasional sale not subject to sales tax. This regulatory action amends section 1595 to provide that the first two sales in a twelve-month period are exempt as occasional sales.

Title 18
California Code of Regulations
AMEND: 1595
Filed 01/05/01
Effective 02/04/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION
SBE Conflict of Interest Code-General Provisions

The Board of Equalization is amending its conflict of interest code found in the captioned cite. The Fair Political Practices Commission approved the amendment on January 22, 2001.

Title 18
California Code of Regulations
AMEND: 6001
Filed 03/12/01
Effective 04/11/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION
Fee Payer

The proposed regulatory action adopts provisions clarifying the definition of "fee payer" for purposes of the Underground Storage Maintenance Fee by establishing a rebuttable presumption that the owner of the real property where an underground storage tank is located is the owner of that tank.

Title 18
California Code of Regulations
ADOPT: 1205
Filed 01/09/01
Effective 02/08/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION
Oil & Gas Producing Properties

The Board of Equalization is amending the captioned section pertaining to oil and gas producing

properties. The amendment is deleting a reference to 18 CCR 460.1 which was repealed 5-7-98, Register 98, No. 19.

Title 18
California Code of Regulations
AMEND: 468
Filed 06/06/01
Effective 06/06/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION
Rules of Practice

The proposed change without regulatory effect updates authority and reference citations for and deletes portions of regulations governing the Board's petition and hearing procedures.

Title 18
California Code of Regulations
AMEND: 5021, 5022, 5031, 5032, 5033, 5034, 5035, 5036, 5041, 5042, 5070, 5072, 5073, 5074, 5074.5, 5075, 5076, 5077, 5078, 5080, 5082, 5083, 5085, 5087, 5092
Filed 06/11/01
Effective 07/11/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION
Membership Fee

Title 18, California Code of Regulations, section 1584 provides that membership fees related to the anticipated sale of tangible personal property must be included in taxable gross receipts if the fee exceeds a "nominal amount." Section 1584 defines "nominal amount" as \$40 or less per year, but provides for an adjustment every five years to reflect changes in the California Consumer Price Index ("CCPI") under specified conditions. Pursuant to this adjustment provision, and reflecting changes in the CCPI, this action increases the "nominal amount" from \$40 to \$45 and also sets the date for the next adjustment computation as September 2005.

Title 18
California Code of Regulations
AMEND: 1584
Filed 01/05/01
Effective 01/01/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION
Change in Ownership—Joint Tenancies

The Board of Equalization is making a grammatical change in "Example 8." of subsection (b)(1).

Title 18
California Code of Regulations
AMEND: 462.040
Filed 04/03/01

Effective 04/03/01

Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Business Inventory Exemption

Rule 133 describes the requirement that for property held by nonprofessional service enterprises to be regarded as "business inventories" held for sale, it must be delivered as an item regularly included in the service. This non-substantive action amends Rule 133 to conform to a recent California Court of Appeal decision in *Transworld Systems, Inc. v. Sonoma County* (2000) 78 Cal.App.4th 713 which has become final.

Title 18

California Code of Regulations

AMEND: 133

Filed 04/06/01

Effective 04/06/01

Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Geothermal Properties

The Board of Equalization is amending the captioned section pertaining to geothermal properties. The amendment is deleting a reference to 18 CCR 460.2 which doesn't exist.

Title 18

California Code of Regulations

AMEND: 473

Filed 06/06/01

Effective 07/06/01

Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Mining Properties

The proposed change without regulatory effect would delete the reference in subsection (e)(2)(B)(1) to Property Tax rule 460.1, 1975 Base Year Values, which was repealed on June 6, 1998.

Title 18

California Code of Regulations

AMEND: 469

Filed 06/07/01

Effective 06/07/01

Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Hospital & Other Medical Service Facilities & Institutions

This action would amend the rule which interprets and explains the application of sales and use tax to sales of foods and medicines to and by hospitals, institutions, and homes for the care of persons. It would amend the definition of meals; expand a definition of institutions to include other medical service facilities; and delete the distinction between

administered and non-administered medical supply items so that all facilities are consumers of tangible personal property, used in the performance of medical services they provide, and retailers of tangible personal property intended to be taken home.

Title 18

California Code of Regulations

AMEND: 1503

Filed 05/02/01

Effective 06/01/01

Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Medicines and Medical Devices

This regulatory action amends provisions concerning the application of sales tax to specified medicines and medical devices.

Title 18

California Code of Regulations

AMEND: 1591

Filed 03/13/01

Effective 04/12/01

Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF FORESTRY AND FIRE PROTECTION

Exemption from Timber Harvesting Plan/Removal of Slash & Debris

This emergency rulemaking provides for an exemption from Timber Harvesting Plans, the removal of debris and slash for delivery as combustion fuel for the production of energy.

Title 14

California Code of Regulations

AMEND: 1038

Filed 02/21/01

Effective 02/21/01

Agency Contact:

Christopher P. Rowney

(916) 653-8007

BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES

Attendance Procedures

This action amends the inoperative dates in subsection (f) of section 58003.1 and subsection (c) of section 58009 which pertain to full-time equivalent student and independent study/work experience attendance procedures. This amendment was filed with the Secretary of State on December 27, 2000. This filing is exempt from the Administrative Procedure Act and OAL review pursuant to Education Code section 70901.5 and is submitted to OAL for printing only.

Title 5

California Code of Regulations

AMEND: 58003.1, 58009

Filed 02/13/01

Effective 01/26/01

Agency Contact:
Renee Brouillette (916) 322-4145

**BOARD OF GOVERNORS OF THE CALIFORNIA
COMMUNITY COLLEGES**

Nondiscrimination in Programs Receiving State Financial Assistance

The Board of Governors, California Community Colleges, is making the subject amendments pursuant to Education Code section 70901.5 which provides that these changes are exempt from review by the Office of Administrative Law.

Title 5

California Code of Regulations

ADOPT: 59311, 59339, 59351 AMEND: 59300, 59303, 59320, 59322, 59326, 59327, 59328, 59330, 59336, 59338, 59340, 59342, 59350, 59356, 59358, 59360, 53002 REPEAL: 59301, 59307, 59311

Filed 02/07/01

Effective 03/09/01

Agency Contact:

Renee Brouillette (916) 322-4145

BOARD OF OPTOMETRY

Definitions

The proposed regulatory action implements the provisions of S.B. 668 (Stats. 1996, Chap. 13) by repealing existing regulatory restrictions on the use of topical pharmaceutical agents.

Title 16

California Code of Regulations

REPEAL: 1560

Filed 04/06/01

Effective 05/06/01

Agency Contact: Jane Flint (916) 323-8722

BOARD OF OPTOMETRY

Disciplinary Guidelines

The proposed regulatory action would amend the Disciplinary Guidelines which are incorporated by reference by adding the requirement to make records available as a condition of probation.

Title 16

California Code of Regulations

AMEND: 1575

Filed 04/25/01

Effective 05/25/01

Agency Contact: Jane Flint (916) 323-8722

BOARD OF OPTOMETRY

Examinations Appeals

This regulatory action repeals the Board's examination appeal process.

Title 16

California Code of Regulations

REPEAL: 1533.1

Filed 04/25/01

Effective 05/25/01

Agency Contact: Jane Flint (916) 323-8722

BOARD OF PHARMACY

Citation and Fine

The proposed regulatory action amends the Board of Pharmacy's citation and fine regulations. This action implements Business and Professions Code section 125.9.

Title 16

California Code of Regulations

ADOPT: 1775.15 AMEND: 1775, 1775.2

REPEAL: 1775.1

Filed 06/22/01

Effective 07/22/01

Agency Contact:

Patricia F. Harris (916) 445-5014 x4004

BOARD OF PHARMACY

Exempt Dangerous Drugs and Dangerous Devices

The regulatory action lists dangerous drugs and devices that are exempt from the provisions of Chapter 9, Division 2 of the Business and Professions Code if specified criteria are met.

Title 16

California Code of Regulations

ADOPT: 1714.5

Filed 04/09/01

Effective 05/09/01

Agency Contact:

Patricia F. Harris (916) 445-5014 x4004

BOARD OF PHYSICAL THERAPY

Physical Therapy Aide Identification

The proposed regulatory action would require physical therapy aides, applicants, students and interns to display nametags with their title while performing patient related tasks.

Title 16

California Code of Regulations

ADOPT: 1398.11

Filed 01/25/01

Effective 02/24/01

Agency Contact: Rebecca Marco (916) 263-2550

BOARD OF PHYSICAL THERAPY

Physical Therapist Assistant Equivalency

The proposed regulatory action amends provisions governing physical therapist assistant equivalent training or experience.

Title 16

California Code of Regulations

AMEND: 1398.47

Filed 01/24/01

Effective 02/23/01

Agency Contact: Rebecca Marco (916) 263-2550

BOARD OF PRISON TERMS

Parole Supervision and Parole Revocation

This action makes non-substantive changes to regulations regarding length and conditions of parole, parole violations and reports, and revocation procedures, to conform them to amended Penal Code statutes.

Title 15
California Code of Regulations
AMEND: 2513(e), 2616(a)(8), 2646(c)(3)
Filed 06/28/01
Effective 06/28/01
Agency Contact: Lori Manieri (916) 445-5277

BOARD OF PRISON TERMS

Attempted Murder

This action deletes from existing section 2400 the words "first degree" where they characterize the criminal offense of attempted murder in order to conform the regulation with the decision of the Supreme Court in *People v. Bright* (1996), in which the court determined that the crime of attempted murder is not divided into degrees, and makes a conforming change in section 2403, subdivision (a), to clarify the applicability of base terms under matrices (b) and (c).

Title 15
California Code of Regulations
AMEND: 2400, 2403
Filed 02/16/01
Effective 03/18/01
Agency Contact: Pearl McGuire (916) 324-9895

BOARD OF PRISON TERMS

Parole Conditions

This action without regulatory effect deletes a redundant definition.

Title 15
California Code of Regulations
AMEND: 2512(a)(5)(b)
Filed 05/21/01
Effective 05/21/01
Agency Contact: Lori Manieri (916) 445-5277

BOARD OF PRISON TERMS

Parole Revocation

The Board is correcting four cross-references to reflect the fact that Title 15, CCR, section 2616 was both substantively changed and renumbered in 1998 and 1999.

Title 15
California Code of Regulations
AMEND: 2601(b), 2605(c), 2637(b)(6), 2647.1(b)
Filed 05/08/01
Effective 05/08/01
Agency Contact: Lori Manieri (916) 445-5277

BOARD OF PRISON TERMS

Battered Women Syndrome

The emergency regulatory action deals with battered woman syndrome.

Title 15
California Code of Regulations
ADOPT: 2239, 2830 AMEND: 2000, 2269.1(a)(2), 2218(d), 2284(a), 2317(c)(1), 2402(d)(5), 2405(a)
Filed 03/16/01
Effective 03/16/01
Agency Contact: Lori Manieri (916) 445-5277

BOARD OF PSYCHOLOGY

Examinations/Examination Fees/Continuing Education

This action amends the rules on renewal of lapsed licenses, examination on California law, fees for examination, and continuing education credit for service to the Board.

Title 16
California Code of Regulations
AMEND: 1388.6, 1392, 1397.63
Filed 04/05/01
Effective 05/05/01
Agency Contact: Jeffrey Thomas (916) 263-1617

BOARD OF REGISTERED NURSING

Substantial Relationship Criteria

This rulemaking expands the list of crimes and acts that are grounds for denial of a license.

Title 16
California Code of Regulations
AMEND: 1444
Filed 06/06/01
Effective 07/06/01
Agency Contact: Ellen Jibben (916) 324-4605

BUREAU OF AUTOMOTIVE REPAIR

Smog Check Stations, Technicians and Training Institutions

This filing is a resubmittal of a regulatory action which revises existing regulations on the requirements for smog check stations, technicians, training institutions and instructors.

Title 16
California Code of Regulations
AMEND: 3340.16, 3340.16.5, 3340.22.1, 3340.22.2, 3340.28, 3340.29, 3340.32, 3340.33, 3340.41
Filed 02/01/01
Effective 02/01/01
Agency Contact: Yvette Johnson (916) 255-1099

BUREAU OF BARBERING AND COSMETOLOGY
Processing Times for Examination Applications and Licenses

This emergency rulemaking provides the Bureau 15 days from the date of the examination to issue results and licenses to candidates

Title 16
California Code of Regulations
AMEND: 901
Filed 05/10/01
Effective 05/10/01
Agency Contact: Tiffany Wetzel (916) 324-8945

BUREAU OF BARBERING AND COSMETOLOGY
Cleaning and Disinfecting Whirlpool Footspas

The proposed emergency regulatory action adopts cleaning and disinfecting procedures for whirlpool footspas and establishes administrative fines for initial and repeat violations of those procedures.

Title 16
California Code of Regulations
ADOPT: 980.1 AMEND: 974
Filed 05/16/01
Effective 05/16/01
Agency Contact: Tiffany Wetzel (916) 324-8945

BUSINESS, TRANSPORTATION AND HOUSING AGENCY
Income Limits

The Department of Housing and Community Development is amending the captioned section pertaining to income limits. These amendments are exempt from review by the Office of Administrative Law pursuant to Health and Safety Code section 50093.

Title 25
California Code of Regulations
AMEND: 6932
Filed 05/31/01
Effective 05/31/01
Agency Contact:
Richard Friedman (916) 323-7288

CALIFORNIA ARCHITECTS BOARD
Fees

The proposed regulatory action would increase the fees for all the sections of the licensing examination.

Title 16
California Code of Regulations
AMEND: 2649
Filed 06/07/01
Effective 07/07/01
Agency Contact: Justin Sotelo (916) 445-6573

CALIFORNIA ARCHITECTS BOARD
Application for Licensure and License Renewal

The proposed regulatory action establishes a five-year deadline following notification of passing all licensing examinations for application for licensure as a landscape architect and sets up procedures for renewal of post-three year expired landscape architects licenses.

Title 16
California Code of Regulations
ADOPT: 2616, 2624
Filed 05/17/01
Effective 06/16/01
Agency Contact: Justin Sotelo (916) 445-6573

CALIFORNIA ARCHITECTS BOARD
Disciplinary Guidelines

The proposed regulatory action would revise the disciplinary guidelines including minimum and maximum penalties and standard and optional conditions of probation.

Title 16
California Code of Regulations
AMEND: 2680
Filed 03/14/01
Effective 04/13/01
Agency Contact: Gretchen Kjose (916) 323-6408

CALIFORNIA ARCHITECTS BOARD
Application for Temporary Certification

The Board (1) deletes the regulation which implemented a repealed statutory provision authorizing issuance of temporary landscape architect licenses to persons practicing out-of-state, and (2) changes "his" to "his/her" in a regulation concerning disciplinary actions taken against licensees.

Title 16
California Code of Regulations
AMEND: 2655 REPEAL: 2611
Filed 04/17/01
Effective 04/17/01
Agency Contact: Justin Sotelo (916) 445-6573

CALIFORNIA ENERGY COMMISSION
Re-Adoption of Emergency Siting Regulations

The proposed regulatory action is the Certificate of Compliance filing making permanent the prior emergency adoption by the California Energy Commission of the six-month power plant licensing regulations. This action implements the provisions of Public Resources Code section 25550.

Title 20
California Code of Regulations
ADOPT: 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031
Filed 04/25/01
Effective 04/25/01

Agency Contact:
David Mundstock (916) 654-3958

CALIFORNIA ENERGY COMMISSION

Data collection and Confidentiality

This is the resubmission of an action that defines terms and updates the periodic data reporting requirements applicable to gas and electric utilities, distributors, generators, retailers, service providers, and others.

Title 20
California Code of Regulations
ADOPT: 1305, 1306, 1307, 1308, 1309 AMEND:
1301, 1303, 1304, 2503, 2505, 2507 REPEAL :
1305, 1306, 1307, 1308, 1309, 1310, 1311, 1313
Filed 02/23/01
Effective 02/23/01
Agency Contact: Richard Rohrer (916) 654-4899

CALIFORNIA ENERGY COMMISSION

Electricity Generation Disclosure

This rulemaking action implements SB 1305, Statutes of 1997, in establishing requirements for both electricity generators and providers for electricity generation disclosure to consumers, post-deregulation. It clarifies existing disclosure requirements; institutes a tradable certificates program for use by retail providers in supporting claims of specific purchases; and modifies the requirements for the annual retail provider report, and audit or third-party verification.

Title 20
California Code of Regulations
ADOPT: A-1, A-2, A-3, A-4, A-5, B, C AMEND:
1391, 1392, 1393, 1394 REPEAL: A, B, C, D, E
Filed 03/05/01
Effective 03/05/01
Agency Contact: Caryn Holmes (916) 654-4178

CALIFORNIA HEALTH FACILITIES FINANCING AUTHORITY

Community Clinic Investment Act Grant Program

These emergency regulations implement the Cedillo-Alarcon Community Clinic Investment Program setting forth the guidelines, criteria, and application process for the one-time allocation of \$50 million to community, free and Indian clinics to expand or improve services to patients in need pursuant to AB 2875 (Chapter 99, Statutes of 2000 and Chapter 801, Statutes of 2000). The regulations, deemed to be emergency regulations, are valid for 360 days, by which time the funds should have been completely disbursed.

Title 4
California Code of Regulations
ADOPT: 7000, 7001, 7002, 7003, 7004, 7005,
7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013,
7014, 7015, 7016, 7017

Filed 04/11/01
Effective 04/11/01
Agency Contact: Mary Bates (916) 653-3423

CALIFORNIA HIGHWAY PATROL

School Bus Contractor Application

The proposed regulatory action requires school bus contractors to complete new form CHP 296 (Rev. 01-00) when applying for a school bus contractor's license.

Title 13
California Code of Regulations
AMEND: 1130
Filed 05/24/01
Effective 06/23/01
Agency Contact: Mario Esbri (916) 445-1865

CALIFORNIA HIGHWAY PATROL

School Bus, SPAB, & Youth Bus Driving Requirements

This regulatory action requires that drivers of school buses, school pupil activity uses and youth buses wear their seatbelts and turn on the headlamps at all times when the bus is in motion.

Title 13
California Code of Regulations
AMEND: 1224, 1225
Filed 03/22/01
Effective 04/21/01
Agency Contact: Mario Esbri (916) 445-1865

CALIFORNIA HIGHWAY PATROL

Side-Mounted and Supplemental Signal Lamps

Current safety regulations for side-mounted supplemental signal lamps require such lamps to conform with Society of Automotive Engineers (SAE) standards. This rulemaking includes the latest version of the SAE standard, among the accepted standards.

Title 13
California Code of Regulations
AMEND: 790, 791, 792, 793, 794
Filed 01/08/01
Effective 02/07/01
Agency Contact: Fran Schurer (916) 327-3310

CALIFORNIA HORSE RACING BOARD

Safety Vest Required

The proposed regulatory action would add the requirement that a jockey, apprentice jockey, or exercise rider must wear a safety vest to train or exercise a horse on the grounds of a racing association or racing fair.

Title 4
California Code of Regulations
AMEND: 1689.1
Filed 02/15/01

Effective 03/17/01

Agency Contact: Roy Wood

CALIFORNIA HORSE RACING BOARD

Jockey's Riding Fee

The regulatory action increases the riding fees for jockeys when there is no contract or special agreement and specifies that "A jockey's fee is considered earned when the jockey is weighed out by the clerk of scales. The fee shall not be considered earned if the jockey elects to take himself off of his mount." The regulatory action is effective on filing pursuant to Government Code section 11343.4, subdivision (c).

Title 4

California Code of Regulations

AMEND: 1632

Filed 02/28/01

Effective 02/28/01

Agency Contact: Harold Coburn (916) 263-6397

CALIFORNIA HORSE RACING BOARD

General Provisions

The California Horse Racing Board is amending its conflict of interest code found at the captioned section. The Fair Political Practices Commission approved the changes on April 6, 2001.

Title 4

California Code of Regulations

AMEND: 2000

Filed 05/22/01

Effective 06/21/01

Agency Contact: Pat Noble (916) 263-6033

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Enforcement of Solid Waste Standards & Administration of Solid Waste Facility Permits

This action updates the regulations that specify the responsibilities of local enforcement agencies, including inspecting facilities, investigating complaints, conducting enforcement actions in accordance with specified procedures, providing administrative review, and reporting to the Board.

Title 14

California Code of Regulations

ADOPT: 18304.1, 18304.2, 18304.3, 18304.4

AMEND: 18011, 18080, 18081, 18082, 18083, 18084, 18301, 18302, 18303, 18304, 18304.5, 18306, 18307, 18350, 18351, REPEAL : 18305, 18309, 18310, 18311, 18312, 18313, 18353, 18354, 18355

Filed 04/12/01

Effective 05/12/01

Agency Contact:

Suzanne Hambleton (916) 341-6337

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Prep. of Integrated Waste Management Plans; Annual Reports; Disposal Reports

The California Integrated Waste Management Board is amending the captioned sections pertaining to the preparation of integrated waste management plans, annual reports and disposal reports. These changes conform the subject sections to Stats. 2000, Ch. 740.

Title 14

California Code of Regulations

AMEND: 18755(g), 18757(e), 18776e, 18794(h)(1), 18794.1(c)(1), 18800(d), 18801(a)(4), 18813(c)

Filed 06/26/01

Effective 06/26/01

Agency Contact: Elliot Block (916) 255-2821

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Hazard Waste Facilities Disposing Nonhazardous, Nonputrescible, Industrial Solid Waste Regulatory Requirements

This emergency regulatory action readopts the requirements for issuance of a permit to a hazardous waste disposal facility that disposes of nonhazardous, nonputrescible industrial waste. (Previous OAL file #00-0720-04E)

Title 14

California Code of Regulations

ADOPT: 17367, 17368, 17369, 17370.1, 17370.2, 18225

Filed 05/17/01

Effective 05/30/01

Agency Contact:

Michael Bledsoe (916) 255-2204

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Hazard Waste Facilities Disposing Nonhazard

This action readopts emergency regulations initially adopted in July 2000. The regulations established a permit system under which hazardous waste facilities could process nonhazardous, nonputrescible, industrial solid wastes.

Title 14

California Code of Regulations

ADOPT: 17367, 17368, 17369, 17370.1, 17370.2, 18225

Filed 01/29/01

Effective 01/29/01

Agency Contact:

Michael Bledsoe (916) 255-2204

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD****Playground Safety and Recycling Act Grant Program**

This emergency regulatory action adopts the requirements for receiving a grant pursuant to the Playground Safety and Recycling Act Grant Program. This action is exempt from OAL review, pursuant to Health and Safety Code section 115814. (Previous OAL file ##00-0804-03E and 00-1205-02EE)

Title 14**California Code of Regulations**

ADOPT: 18570, 18571, 18572, 18573, 18574, 18575, 18576, 18577, 18578, 18579, 18580

Filed 04/11/01

Effective 04/11/01

Agency Contact:

Marie W. Carter (916) 341-6062

CALIFORNIA LAW REVISION COMMISSION**Conflict of Interest Code**

The California Law Revision Commission is amending its Conflict of Interest Code filing found at the captioned citation. The Fair Political Practices Commission approved the changes for filing on February 13, 2001.

Title 2**California Code of Regulations**

AMEND: Chapter 26, 47000, 47001, 47002

Filed 02/27/01

Effective 02/27/01

Agency Contact: Brian Hebert (916) 739-7071

CALIFORNIA STATE UNIVERSITY**Holidays**

This action amends section 42920 of Title 5 to include Martin Luther King, Jr. and Cesar Chavez birthdays as paid holidays observed by employees of the California State University system. This amendment was filed with the Secretary of State on February 21, 2001 and is effective upon filing. This action is exempt from the Administrative Procedure Act pursuant to Education Code section 89030.1 and is submitted to OAL for printing only in the California Code of Regulations.

Title 5**California Code of Regulations**

AMEND: 42920

Filed 02/21/01

Effective 02/21/01

Agency Contact:

Bruce M. Richardson (562) 951-4500

CALIFORNIA STRAWBERRY COMMISSION**Conflict of Interest Code**

The California Strawberry Commission is amending the captioned section pertaining to its conflict of

interest code. The changes were approved by the Fair Political Practices Commission on December 8, 2000.

Title 2**California Code of Regulations**

AMEND: Ch. 72, section 56100

Filed 02/14/01

Effective 03/16/01

Agency Contact:

Jill S. England (916) 448-3826

CALIFORNIA STUDENT AID COMMISSION**Conflict of Interest Code**

The California Student Aid Commission is amending its conflict of interest code found at the captioned section. The amendments were approved by the Fair Political Practices Commission on February 26, 2001.

Title 5**California Code of Regulations**

AMEND: Section 30060

Filed 04/30/01

Effective 05/30/01

Agency Contact: Claire Lillie (916) 526-8043

CALIFORNIA STUDENT AID COMMISSION**Cal Grant Awards**

This emergency action complies with Chapter 403, Statutes of 2000, in establishing requirements for applicants to obtain Cal Grant Awards. The new legislation set a deadline of March 2, 2001, for the first filing of applications and grade point averages to be eligible for the three new Cal Grant Entitlement Award programs for California senior high school students pursuing a postsecondary education, or the revised Cal Grant Competitive Award program for these students as well as existing postsecondary students.

Title 5**California Code of Regulations**

ADOPT: 30007, 30008, 30009, 30023, 30024, 30025, 30026, 30027

Filed 01/16/01

Effective 01/16/01

Agency Contact: John R. Peirce (916) 526-8918

CALIFORNIA STUDENT AID COMMISSION**Cal Grant Awards**

This emergency readoption complies with Chapter 403, Statutes of 2000, in establishing requirements for applicants to obtain Cal Grant Awards. The new legislation set a deadline of March 2, 2001, for the first filing of applications and grade point averages to be eligible for the three new Cal Grant entitlement Award programs for California senior high school students pursuing a postsecondary education, or the revised Cal Grant Competitive Award program for these students as well as existing postsecondary students.

Title 5**California Code of Regulations**

ADOPT: 30007, 30008, 30009, 30023, 3024,
30025, 30026, 30027
Filed 05/15/01
Effective 05/16/01
Agency Contact: John R. Peirce (916) 526-8918

CALIFORNIA TAX CREDIT ALLOCATION COMMITTEE

Low Income Housing Tax Credit

Pursuant to Health and Safety Code section 50199.17, this emergency regulatory action became effective on February 16, 2001, when adopted by the Committee. These regulations provide for allocation of low-income housing tax credits, as authorized by federal and state law. These February 16 regulations replace regulations adopted and made effective by the Committee on Dec. 20, 2000, but never printed in the California Code of Regulations. These December 20 regulations were superseded by federal legislative changes on December 21, 2000. The regulations adopted by the Committee on February 16, 2001 reflect the December 2000 federal legislative changes.

Title 4
California Code of Regulations
AMEND: 10300, 10302, 10305, 10310, 10315,
10317, 10320, 10322, 10325, 10326, 10327, 10328,
10330, 10335, 10337
Filed 03/05/01
Effective 02/16/01
Agency Contact: Jeanne L. Peterson

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Regulation Clean-Up: Regs. 1020 through 1080

The proposed regulatory action amends various provisions as part of the Commission's regulation clean up project.

Title 11
California Code of Regulations
AMEND: 1020, 1021, 1051, 1052, 1053, 1054,
1055, 1056, 1080
Filed 01/22/01
Effective 02/21/01
Agency Contact: Leah Cherry (916) 227-3891

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Back-fill Reimbursement for Public Safety Dispatchers

This regulatory action authorizes reimbursement to an eligible agency for the agency's expense of paying salary at overtime rate (1) to a public safety dispatcher or dispatch supervisor who replaces another public safety dispatcher or dispatch supervisor for his/her attendance at selected POST-certified training or (2) to a public safety dispatcher or dispatch supervisor who is assigned to such training on his/her days off.

Title 11
California Code of Regulations
AMEND: 1015(e)
Filed 04/11/01
Effective 07/01/01
Agency Contact: Leah Cherry (916) 227-3891

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Aviation Security Course Update

This regulatory action updates the minimum standards for the course in Aviation Security.

Title 11
California Code of Regulations
AMEND: 1081(a)(2)
Filed 06/05/01
Effective 08/01/01
Agency Contact: Leah Cherry (916) 227-3891

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

CPT—Perishable and Communication Skills

The proposed regulatory action amends existing continuing professional training (CPT) requirements to specify that 14 of the 24 hours of CPT taken by regular and specialized peace officers and their first-level supervisors be in communications and perishable skills training.

Title 11
California Code of Regulations
AMEND: 1005
Filed 05/22/01
Effective 01/01/02
Agency Contact: Leah Cherry (916) 227-3891

COMMISSION ON STATE MANDATES

Dismissals

The proposed regulatory action provides procedures for the dismissal of a pending action under circumstances where a claimant or party has, in effect, withdrawn its claim or request by failing to reactivate a claim or request within one year after its request for postponement or placement on inactive status was granted.

Title 2
California Code of Regulations
ADOPT: 1183.09, 1183.21, 1188.31
Filed 04/05/01
Effective 05/05/01
Agency Contact:
Camille Shelton (916) 323-3562

COMMISSION ON STATE MANDATES

Reconsideration of a Prior Final Decision

This regulatory action amends section 1188.4 regarding reconsideration of a prior final decision. This filing is exempt from OAL review pursuant to

Government Code section 17527 and is submitted to OAL for printing only and filing with the Secretary of State.

Title 2
California Code of Regulations
AMEND: 1188.4
Filed 02/02/01
Effective 03/04/01
Agency Contact: Kathleen Lynch (916) 323-8221

COMMISSION ON STATE MANDATES
Findings of Significant Financial Distress

The proposed regulatory action amends the Commission's process for acting on county applications for findings of significant financial distress. This action was submitted to OAL for printing only pursuant the provisions of Government Code section 17527(g).

Title 2
California Code of Regulations
ADOPT: 1186.6, 1186.61, 1186.62 AMEND:
1181.2, 1181.3, 1186.5, 1186.51, 1186.52, 1186.72,
1186.6, 1186.61, 1186.62
Filed 03/06/01
Effective 04/05/01
Agency Contact: Nancy Patton (916) 323-8217

COMMISSION ON TEACHER CREDENTIALING
Cross-cultural Language And Academic Development (CLAD) Certificate

The proposed regulatory action would allow individuals to use three years of course work in a single language other than English taken in grades 7 through 12, with at least a B average, to satisfy the language—learning experience requirement for the Cross-cultural, Language and Academic Development (CLAD) Certificate.

Title 5
California Code of Regulations
AMEND: 80015
Filed 01/08/01
Effective 02/07/01
Agency Contact: Dale Janssen (916) 323-5065

COMMISSION ON TEACHER CREDENTIALING
Change of Employment Teacher Reporting Requirements

The proposed rulemaking action deletes existing references to a credential holder's obligation to report changes in employment status to the Commission under specified circumstances. The proposed action is a change without regulatory effect under the provisions of Title 1, California Code of Regulations, section 100.

Title 5
California Code of Regulations
AMEND: 80303
Filed 04/02/01

Effective 05/02/01
Agency Contact: Joan Condit (916) 445-0243

COMMISSION ON TEACHER CREDENTIALING
Declaration of Need and Limited Assignment Emergency Teaching Permit

The emergency regulatory action deals with Limited Assignment Emergency Teaching Permits and the Declaration of Need for Fully Qualified Educators.

Title 5
California Code of Regulations
AMEND: 80026, 80027
Filed 06/15/01
Effective 06/15/01
Agency Contact: Dale Janssen (916) 323-5065

COMMISSION ON TEACHER CREDENTIALING
Certificates of Completion of Staff Development

This regulatory action adopts the requirements for obtaining a Certificate of Completion of staff development to teach English language development and/or specially designed academic instruction delivered in English to limited-English-proficient students.

Title 5
California Code of Regulations
ADOPT: 80016
Filed 04/25/01
Effective 05/25/01
Agency Contact: Yvonne Novelli (916) 323-6512

COMMISSIONER OF CORPORATIONS
Form & Amount of Fidelity/Indemnity Bond Cover

This Certification of Compliance amends the Escrow Law to limit the persons required to be members of the Escrow Agents' Fidelity Corporation (EAFC). (Previous OAI file ##00-0420-01E and 00-0828-01ER)

Title 10
California Code of Regulations
AMEND: 1722, 1723
Filed 01/10/01
Effective 01/10/01
Agency Contact:
Gerardo Partida (916) 322-3675

DELTA PROTECTION COMMISSION
Land Use/ Resource Management for Delta

This regulatory action adopts the requirements for local plans for the management of Delta resources.

Title 14
California Code of Regulations
ADOPT: 20030, 20040, 20050, 20060, 20070,
20080, 20090, 20100, 20110
Filed 05/08/01
Effective 06/07/01
Agency Contact:
Margit Aramburu (916) 776-2290

DENTAL BOARD OF CALIFORNIA**Additional Office Rules**

The regulatory action repeals section 1046 of Title 16 of the California Code of Regulations, which deals with the "Requirement for Personal Attendance".

Title 16

California Code of Regulations

REPEAL: 1046

Filed 04/02/01

Effective 05/02/01

Agency Contact:

Errol G. Chisom (916) 263-2300 x2327

DENTAL BOARD OF CALIFORNIA**Permit Reform Act**

The proposed regulatory would add permit reform act timelines for Registered Dental Assistant in Extended Functions (RDHEF) licensure and educational programs and would amend the application deadlines for Registered Dental Hygienist and RDHEF licensure.

Title 16

California Code of Regulations

AMEND: 1069, 1076

Filed 02/22/01

Effective 03/24/01

Agency Contact:

Errol G. Chisom (916) 263-2300 x2327

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS**Substance Abuse and Crime Prevention Act of 2000**

This emergency readoption implements the Substance Abuse and Crime Prevention Act of 2000.

Title 9

California Code of Regulations

ADOPT: 9500, 9510, 9517, 9530, 9533 AMEND: 9505, 9515, 9520, 9525, 9535, 9540, 9545

Filed 04/25/01

Effective 04/25/01

Agency Contact: Mary Conway (916) 327-4742

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS**Substance Abuse and Crime Prevention Act of 2000**

This emergency readoption implements the Substance Abuse and Crime Prevention Act of 2000.

Title 9

California Code of Regulations

ADOPT: 9500, 9505, 9510, 9520, 9525, 9535, 9540 AMEND: 9515, 9530, 9545

Filed 03/22/01

Effective 03/22/01

Agency Contact: Mary Conway (916) 327-4742

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS**DUI Complaint Investigations**

This rulemaking action sets out the complaint investigation process for driving under the influence (DUI) programs consistent with existing investigation, review, and notice of deficiency and resolution procedures.

Title 9

California Code of Regulations

ADOPT: 9823.1

Filed 03/19/01

Effective 04/18/01

Agency Contact: Mary Conway (916) 327-4742

DEPARTMENT OF CHILD SUPPORT SERVICES**Program Administration**

This emergency regulatory action adopts the requirements for program administration and complaint resolution.

Title 22, MPP

California Code of Regulations

ADOPT: 111000, 110042, 110046, 110088, 110099, 110109, 110129, 110135, 110147, 110148, 110150, 110164, 110182, 110184, 110186, 110194, 110200, 110220, 110224, 110230, 110252, 110261, 110289, 110341, 110410, 110431, 110436, 110445, 110456, 110474, 110478,

Filed 06/26/01

Effective 07/01/01

Agency Contact: Sandra Poole (916) 464-5060

DEPARTMENT OF COMMUNITY SERVICES AND DEVELOPMENT**Applicant Verifications**

This emergency action updates the Department's regulation on verification of applicant eligibility, and adopts new definitions and rules on eligibility, self-certification, exemption, and fair hearings to conform with federal agency interpretations relating to eligibility for grants.

Title 22

California Code of Regulations

ADOPT: 100901, 100902, 100903, 100904, 100904.5 AMEND: 100900

Filed 06/14/01

Effective 06/14/01

Agency Contact: Lisa Bell (916) 323-8694

DEPARTMENT OF CONSERVATION**SB 332 Definitions and Reporting Deadlines**

This action is the certification of compliance for amendments made to the recycling program definitions, procedures and reporting requirements to implement the statutory expansion of beverages covered under the program. The amendment to section

2200 (b)(1) is a regular amendment, rather than certification of compliance for an emergency action.

Title 14

California Code of Regulations

AMEND: 2000, 2045, 2055, 2200, 2235, 2240, 2305, 2310, 2320, 2430, 2540

Filed 01/11/01

Effective 01/11/01

Agency Contact: Karen Denz (916) 322-1899

DEPARTMENT OF CONSERVATION

SB 332 Portion Control Containers

This emergency readoption establishes labeling requirements for portion control containers which were added to the recycling program by recent legislation.

Title 14

California Code of Regulations

AMEND: 2200

Filed 03/12/01

Effective 03/12/01

Agency Contact: Blanda Duncan (916) 322-1011

DEPARTMENT OF CONSERVATION

Portion control Container Labeling

This Certificate of Compliance establishes labeling requirements for portion control containers which were added to the recycling program by recent legislation.

Title 14

California Code of Regulations

AMEND: 2200

Filed 06/11/01

Effective 06/11/01

Agency Contact: Blanda Duncan (916) 322-1011

DEPARTMENT OF CONSERVATION

Individual Commingled Rate Survey

Pursuant to Public Resources Code section 14549.5, the Department has established a statewide commingled rate which is adjusted on an annual basis. However, an operator of a drop-off or collection program, curbside program and/or community service program may apply for an individual commingled rate. This regulatory action is intended to simplify current survey requirements, decrease the number and frequency of surveys, and allow more flexibility for program participants to determine survey methodology.

Title 14

California Code of Regulations

AMEND: 2000, 2620, 2625, 2630, 2635, 2640, 2645, 2660, 2665, 2670, 2675, 2680, 2685, 2720, 2725, 2730, 2735, 2740, 2745

Filed 01/26/01

Effective 01/26/01

Agency Contact: Marty Nold (916) 327-2761

DEPARTMENT OF CONSERVATION

Remove Definition of "Division Chief" and Add CRV Labeling Options

This non-substantive action expands the CRV labeling message required for beverage containers and replaces "Division Chief" with "Assistant Director for Recycling".

Title 16

California Code of Regulations

AMEND: 2000, 2200, 2305, 2310, 2320, 2401, 2501, 2645, 2685, 2745

Filed 04/16/01

Effective 05/16/01

Agency Contact: Blanda Duncan (916) 322-1011

DEPARTMENT OF CONSERVATION

Selection of Professional Service Firms

The regulatory action is the Certificate of Compliance for emergency regulations that dealt with the selection of professional service firms. (Prior OAL File 00-0822-02E.)

Title 14

California Code of Regulations

ADOPT: 1690, 1690.1, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699

Filed 02/01/01

Effective 02/01/01

Agency Contact: Marilu Habel (916) 445-9686

DEPARTMENT OF CONSERVATION

Permanent Scrap Regulations

This rulemaking action makes permanent the emergency regulations regarding non-PET plastic containers which establish recordkeeping and reporting requirements, and provide for the calculation of a processing fee and a processing payment.

Title 14

California Code of Regulations

AMEND: 2420, 2425, 2955

Filed 01/30/01

Effective 01/30/01

Agency Contact: Karen Denz (916) 322-1899

DEPARTMENT OF CONSUMER AFFAIRS

Telephone Medical Advice

This emergency readoption implements AB 285 (Corbett, Chapter 535, Statutes of 1999) and AB 2903 (Chapter 857, Statutes of 2000) which (1) require specified business entities which provide telephone medical advice services to persons in California to register with the Department of Consumer Affairs; (2) require that the advice-givers be appropriately licensed (as nurses, doctors, psychologists, etc.); (3) give the Department specified oversight and other duties; (4) direct the Department to establish an application process and application and related forms, and (5) authorize a fee sufficient to cover administration costs.

Title 16

California Code of Regulations

ADOPT: 4000, 4001, 4010, 4011, 4012, 4013, 4020, 4021, 4022, 4023, 4024, 4025, 4030, 4031, 4032, 4033, 4034, 4040

Filed 03/19/01

Effective 03/19/01

Agency Contact: Terresa Ciau (916) 322-7898

DEPARTMENT OF CONSUMER AFFAIRS

Arbitration Certification Program—Definition of “New Motor Vehicle”

This action modifies the definition of “new motor vehicle” to conform to changes made in Senate Bill 1718 to the statutory program established to resolve disputes involving written warranties on new motor vehicles. Under this program, the Department of Consumer Affairs is required to establish a program for certifying third-party dispute resolution processes used for the arbitration of such disputes

Title 16

California Code of Regulations

AMEND: 3396.1

Filed 01/25/01

Effective 01/25/01

Agency Contact: Anna Mar Wong (916) 323-3406

DEPARTMENT OF CONSUMER AFFAIRS

Conforming to AB 2697

The Department is conforming the hearing aid dispenser regulations to recent legislative changes, especially to Assembly Bill 2697, which created the Hearing Aid Dispensers Bureau within the Department of Consumer Affairs.

Title 16

California Code of Regulations

AMEND: 1399.101, 1399.102, 1399.105, 1399.113, 1399.114, 1399.115, 1399.116, 1399.118, 1399.120, 1399.121, 1399.131, 1399.133, 1399.134, 1399.135, 1399.136, 1399.137, 1399.138, 1399.139, 1399.140, 1399.141, 1399.142, 1399.144
REPEAL : 1399.104

Filed 06/11/01

Effective 06/11/01

Agency Contact: Dianne Tincher (916) 327-3433

DEPARTMENT OF CONSUMER AFFAIRS

Consumer Assistance Program

This is the certification of compliance for an action that amended the repair assistance and vehicle retirement programs to conform with statutory changes effective 7/6/99, and increase vehicle owner participation in these programs.

Title 16

California Code of Regulations

ADOPT: 3394.6 AMEND: 3340.1, 3394.1, 3394.2, 3394.3, 3394.4, 3394.5 REPEAL: 3340.9

Filed 03/27/01

Effective 03/27/01

Agency Contact: Jim Allen (916) 255-1379

DEPARTMENT OF CORPORATIONS

Exemption for Internet Offers

This regulatory action exempts from the Franchise Investment Law (FIL) specified online Internet offers to sell franchises as long as they meet certain conditions such as not being offered or directed to California residents.

Title 10

California Code of Regulations

ADOPT: 310.100.3

Filed 01/25/01

Effective 01/25/01

Agency Contact:

Timothy L. LeBas (916) 322-3553

DEPARTMENT OF CORPORATIONS

Broker-Dealers: Agent Procedures

This regulatory action conforms state agent, broker-dealer, and investment adviser requirements to changes in federal SEC forms and procedures and revises and clarifies certification and related procedures.

Title 10

California Code of Regulations

AMEND: 260.210, 260.211, 260.211.1, 260.234, 260.241

Filed 01/23/01

Effective 01/23/01

Agency Contact:

Timothy L. LeBas (916) 322-3553

DEPARTMENT OF CORPORATIONS

Capital Access Company Investment Adviser Exemption

The proposed regulatory action would exempt an investment adviser from the certification requirement of Section 25230 of the Corporations Code when making recommendations with respect to the investment of funds on behalf of a capital access company licensed under the Capital Access Company Law.

Title 10

California Code of Regulations

ADOPT: 260.204.12

Filed 04/02/01

Effective 05/02/01

Agency Contact:

William Kenefick (916) 322-3553

DEPARTMENT OF CORPORATIONS

Expand Franchise Exemption to \$500

An offer and sale of a franchise is not subject to registration with the Commissioner where the franchisee is required to pay a franchise fee that does not

exceed the sum of \$100.00. This rulemaking changes the amount of the fee to \$500.00 to make it consistent with a rule adopted by the Federal Trade Commission.

Title 10

California Code of Regulations

AMEND: 310.001

Filed 06/04/01

Effective 07/04/01

Agency Contact: Kathy Womack (916) 322-3553

DEPARTMENT OF CORPORATIONS

Canadian Broker-Dealers & Agents & Pacific Exch.

This action exempts Canadian broker-dealers from the certification requirement of Corporations Code section 25210, and their agents from the registration requirement for certain securities transactions with Canadians temporarily residing in or visiting California, subject to specified conditions; and exempts members of the Pacific Exchange, Inc. who do not carry customer accounts but conduct proprietary or firm trading activity or act as agents for other broker-dealers through the Pacific Exchange from certification under section 25201.

Title 10

California Code of Regulations

ADOPT: 260.105.40, 260.204.10, 260.204.11

Filed 05/24/01

Effective 06/23/01

Agency Contact: Kathy Womack (916) 322-3553

DEPARTMENT OF CORPORATIONS

Federal "Affirmative Defense" Rule for Insider Trading

This emergency regulatory action clarifies "insider trading" in California.

Title 10

California Code of Regulations

ADOPT: 260.402

Filed 03/14/01

Effective 03/14/01

Agency Contact: Kathy Womack (916) 322-3553

DEPARTMENT OF CORPORATIONS

Qualification Requirements For Compensatory Benefit Plans

This is the readoption of an emergency action (December 2000), which conformed existing departmental regulations to legislative changes which took effect on 1-1-01: Senate Bill 1837 provides that certain offerings of securities through option and purchase plans ("compensatory benefit plans") of limited liability companies are exempt from qualification under the Corporate Securities Act of 1968 and refers to specific departmental regulations. However, prior to the initial emergency action, these regulations referred solely to offerings of shares of stock in corporations; the initial emergency action amended these regulations

to encompass offerings of interests in limited liability companies, in addition to stock in corporations.

Title 10

California Code of Regulations

ADOPT: 260.102.19, 260.140.41, 260.140.42, 260.140.45, 260.140.46

Filed 05/02/01

Effective 05/02/01

Agency Contact: Colleen Monahan

DEPARTMENT OF CORRECTIONS

Enclosures in Confidential Mail

The Department of Corrections is amending the captioned section in order to correct a name change for the classification Program Administrator.

Title 15

California Code of Regulations

AMEND: 3145

Filed 04/03/01

Effective 04/03/01

Agency Contact: Rick Grenz (916) 324-4331

DEPARTMENT OF CORRECTIONS

Inmate Canteen Establishment & Draw Limits

This rulemaking increases the maximum monthly inmate canteen draw from \$140.00 to \$180.00.

Title 15

California Code of Regulations

AMEND: 3090

Filed 03/08/01

Effective 04/07/01

Agency Contact: Peggy McHenry (916) 324-6775

DEPARTMENT OF CORRECTIONS

Segregation Order

The Department of Corrections is amending the captioned section in order to remove a classification, Correctional Program Supervisor III, which was reallocated into the Correctional Lieutenant class according to the Department of Personnel Administration on December 2, 1982.

Title 15

California Code of Regulations

AMEND: 3336

Filed 03/22/01

Effective 04/21/01

Agency Contact: Rick Grenz (916) 324-4331

DEPARTMENT OF CORRECTIONS

Close Custody Designation of Inmates

This filing is a resubmission of a disapproved certificate of compliance for an emergency regulatory action which made extensive revisions to provisions concerning inmate custody designations and adopted a new regulation which established criteria for the assignment of close custody to inmates. In response to the earlier disapproval, changes to the regulations

were made available to the public for comment, the regulations were revised to address clarity problems and those changes made available to the public as well, and the Final Statement of Reasons was revised to include a summary and response to all comments and other required statements.

Title 15

California Code of Regulations

ADOPT: 3377.2 AMEND: 3000, 3377.1

Filed 05/03/01

Effective 05/03/01

Agency Contact: Marc Remis (916) 327-4540

DEPARTMENT OF CORRECTIONS

Law Enforcement Responsibility and Peace Officer Designation

The proposed regulatory action would amend the provision for employee law enforcement and peace officer designation deleting the list of peace officers from subsection (b) and adding subsection (f) which deals with the authority of members of the Office of Internal Affairs.

Title 15

California Code of Regulations

AMEND: 3291

Filed 02/14/01

Effective 03/16/01

Agency Contact: Peggy McHenry (916) 324-6775

DEPARTMENT OF CORRECTIONS

Rotation of Inmate Work Assignments

The proposed regulatory action adopts provisions governing rotation of inmate work assignments.

Title 15

California Code of Regulations

AMEND: 3040

Filed 02/13/01

Effective 03/15/01

Agency Contact: Peggy McHenry (916) 324-6775

DEPARTMENT OF CORRECTIONS

Parole Assessment

This filing is a certificate of compliance for an emergency regulatory action which established supervision levels for parolees.

Title 15

California Code of Regulations

ADOPT: 3605

Filed 05/11/01

Effective 05/11/01

Agency Contact: Rick Grenz (916) 324-4331

DEPARTMENT OF CORRECTIONS

Official Authorized to Approve Correspondence Between Inmates

The Department is updating the descriptions or titles of the officials authorized to approve correspondence

between inmates, primarily to conform to the definitions section of the Department's regulations (Title 15, California Code of Regulations, section 3000).

Title 15

California Code of Regulations

AMEND: 3139.

Filed 04/04/01

Effective 04/04/01

Agency Contact: Rick Grenz (916) 324-4331

DEPARTMENT OF DEVELOPMENTAL SERVICES

Special Incident Reporting

This emergency rulemaking amends special incident reporting for vendors, long-term health care facilities and regional centers.

Title 17

California Code of Regulations

ADOPT: 54327.2 AMEND: 54302, 54327, 54327.1, 58651

Filed 06/27/01

Effective 07/01/01

Agency Contact: David J. Judd (916) 654-2257

DEPARTMENT OF DEVELOPMENTAL SERVICES

Direct Care Staff Training

This Certificate of Compliance adopts the standards for training of direct care staff. (Previous OAL file ## 98-1223-01, 99-0507-03, 99-0908-01, 00-0107-01, 00-0302-02, 00-0719-02)

Title 17

California Code of Regulations

ADOPT: 56031, 56033, 56034, 56034.1, 56035, 56931, 56932, 56933, 56934, 56936, 56937

AMEND: 56002, 56037, 56038, 56048, 56054, 56057, 56059, 56060

Filed 05/02/01

Effective 05/02/01

Agency Contact: David J. Judd (916) 654-2257

DEPARTMENT OF DEVELOPMENTAL SERVICES

Behavior Analysts

This rulemaking action authorizes regional centers for the developmentally disabled to classify as vendors, and purchase services for individual clients from Behavior Analysts certified by the national Behavior Analyst Certification Board. A Behavior Analyst assesses the function of a behavior of a consumer and designs, implements, and evaluates instructional and environmental modifications to produce socially significant improvements in an individual's behavior through skill acquisition and the reduction of behavior. A Behavior Analyst may not practice psychology.

Title 17

California Code of Regulations

AMEND: 54319, 54342, 57332

Filed 05/03/01

Effective 06/02/01

Agency Contact: Julia Johnson (916) 654-3328

DEPARTMENT OF DEVELOPMENTAL SERVICES
Wage & Benefit Increase—Respite & Supplemental
Service Workers

This emergency action implements the Budget Act of 2000/01 to provide an increase in salaries and wages for individual respite workers and family members providing respite services, as well as rates for supplemental staff providing services to non-mobile consumers in day programs, retroactively to July 2000.

Title 17

California Code of Regulations

AMEND: 57310, 57332, 57530

Filed 03/14/01

Effective 03/14/01

Agency Contact: Julia Johnson (916) 654-3328

DEPARTMENT OF FINANCIAL INSTITUTIONS

Loans Secured By Segregated Deposit Accounts

This emergency rulemaking conforms California law to Federal Banking laws for loans secured by segregated deposit accounts. This filing is exempt from the Administrative Procedure Act, and is submitted for printing in the California Code of Regulations.

Title 10

California Code of Regulations

ADOPT: 10.19605

Filed 04/02/01

Effective 04/02/01

Agency Contact: James Patten (415) 263-8514

DEPARTMENT OF FISH AND GAME

Central California Gillnet Closure

This emergency readoption prohibits the use of gillnets from Point Reyes to Yankee Point, and from Point Arguello to Point Sal.

Title 14

California Code of Regulations

ADOPT: 104.1

Filed 01/10/01

Effective 01/10/01

Agency Contact: Joseph Milton (916) 654-5336

DEPARTMENT OF FISH AND GAME

Commercial Salmon Fishing

This action conforms Title 14, section 182, to the Pacific Fishery Management Council salmon plan of 2001 by limiting commercial salmon fishing in various coastal areas, requiring the use of single shank barbless hooks, and providing for possession and landing of frozen salmon in a head-off condition. This regulatory action is exempt from the Administrative Procedure Act pursuant to Fish and Game Code

section 7652 and is submitted to OAL for printing only and filing with the Secretary of State.

Title 14

California Code of Regulations

AMEND: 182

Filed 05/09/01

Effective 05/09/01

Agency Contact: Scott Barrow (707) 431-4343

DEPARTMENT OF FISH AND GAME

Suction Dredging

This emergency regulatory action would establish the procedure for requesting a special permit to operate a suction dredge with a nozzle larger than prescribed in current regulations.

Title 14

California Code of Regulations

AMEND: 228, 757

Filed 04/26/01

Effective 04/26/01

Agency Contact: Brendan Fletcher

DEPARTMENT OF FISH AND GAME

Triploid Grass Carp Stocking

This rulemaking authorizes the statewide use of triploid grass carp for control of nuisance aquatic vegetation, and makes other clarifying changes.

Title 14

California Code of Regulations

AMEND: 238.6

Filed 04/24/01

Effective 05/24/01

Agency Contact:

Eugene R. Fleming (916) 653-4280

DEPARTMENT OF FOOD AND AGRICULTURE

Oak Mortality Disease Control

The emergency regulatory action deals with the control of oak mortality disease.

Title 3

California Code of Regulations

ADOPT: 3700

Filed 05/22/01

Effective 05/22/01

Agency Contact:

Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE

Standard Containers For Apples

This rulemaking adopts a new apple standard container, AP 15, which would be standard only for apples placed in two layers of trays, pads, or molded forms.

Title 3

California Code of Regulations

AMEND: 1380.19

Filed 01/18/01

Effective 02/17/01

Agency Contact: Johnnie Beer (916) 654-1393

DEPARTMENT OF FOOD AND AGRICULTURE
Fruit and Vegetable Container Marketing

The proposed emergency regulatory action revises packaging and labeling requirements for fresh fruits, nuts, and vegetables.

Title 3

California Code of Regulations

AMEND: 1359, 1392.4, 1436.30 REPEAL: 1359.1, 1360, 1361, 1362, 1363

Filed 05/04/01

Effective 05/04/01

Agency Contact:

Robert A. Cummings (916) 654-0919

DEPARTMENT OF FOOD AND AGRICULTURE
Pierce's Disease Control Program, Citrus Standards

This emergency readoption furthers the implementation of the Statewide Program and Rapid Response Plan to arrest the spread of the glassy-winged sharpshooter. (Previous OAL # 00-1103-04E)

Title 3

California Code of Regulations

ADOPT: 3661, 3662, 3663 AMEND: 3652

Filed 03/08/01

Effective 03/08/01

Agency Contact:

Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Lettuce

The proposed regulatory action would repeal the lettuce salad products inspection program including the reporting, record keeping, and fee provisions.

Title 3

California Code of Regulations

REPEAL: 1438.23.1, 1438.25.1, 1438.25.2, 1438.25.3, 1438.24.4

Filed 03/13/01

Effective 04/12/01

Agency Contact:

Robert A. Cummings (916) 654-0919

DEPARTMENT OF FOOD AND AGRICULTURE
Quarantine of Animals and Animal Products

This emergency regulatory action adopts the standards and procedures for the quarantine of animals and animal products.

Title 3

California Code of Regulations

ADOPT: 1301, 1301.1, 1301.2, 1301.4, 1301.5, 1301.6, 1301.7, 1301.8, 1301.9

Filed 06/15/01

Effective 06/15/01

Agency Contact:

Francine T. Kammeyer (916) 654-1393

DEPARTMENT OF FOOD AND AGRICULTURE
Gypsy Moth Eradication Area

This Certificate of Compliance establishes the counties of Marin and San Diego as eradication areas for the gypsy moth.

Title 3

California Code of Regulations

AMEND: 3591.6(a)

Filed 01/23/01

Effective 01/23/01

Agency Contact: Steve Cook (916) 229-3043

DEPARTMENT OF FOOD AND AGRICULTURE
Guava Fruit Fly Interior Quarantine

This rulemaking action makes permanent the emergency action adding the counties of Los Angeles and Orange to the guava fruit fly eradication area.

Title 3

California Code of Regulations

AMEND: 3591.13(a)

Filed 01/25/01

Effective 01/25/01

Agency Contact:

Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Oranges

This certificate of compliance filing, for an emergency effective 9/28/00, amends the inspection standards for navel oranges to prevent a large volume of immature fruit from entering the market, to protect both the industry and the consumer.

Title 3

California Code of Regulations

AMEND: 1430.37, 1430.38

Filed 01/22/01

Effective 01/22/01

Agency Contact:

Robert A. Cummings (916) 654-0919

DEPARTMENT OF FOOD AND AGRICULTURE
Pierce's Disease Control Program

This emergency readoption establishes the requirements for the Pierce's Disease Control Plan.

Title 3

California Code of Regulations

ADOPT: 3650, 3651, 3652, 3654, 3655, 3656, 3657, 3658, 3659, 3660

Filed 03/19/01

Effective 03/19/01

Agency Contact:

Barbara J. Hass (916) 654-1017

**DEPARTMENT OF FORESTRY AND FIRE
PROTECTION**

Conflict of Interest

Health and Safety Code section 13100(b) vests with the Department of Forestry and Fire Protection all the powers, duties, responsibilities, and jurisdiction of the former Office of the State Fire Marshal. The instant filing is repealing the conflict of interest code as filed by the Office of the State Fire Marshal, and is amending its conflict of interest code section to include those duties, etc. The Fair Political Practices Commission approved the captioned changes for filing on December 1, 2000. The subject conflict of interest codes are exempt from review by the Office of Administrative Law.

Title 14

California Code of Regulations

AMEND: 890 REPEAL: Title 19, California Code of Regulations, sections 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, and 2208.

Filed 02/07/01

Effective 03/09/01

Agency Contact: Wanda Wellerstin

**DEPARTMENT OF FORESTRY AND FIRE
PROTECTION**

Exemption from Timber Harvesting Plan/removal of slash and debris

This readopted emergency rulemaking provides for an exemption from Timber Harvesting Plans, the removal of debris and slash for delivery as combustion fuel for the production of energy.

Title 14

California Code of Regulations

ADOPT: None AMEND: 14ccr 1038 by adopting subsection (g) REPEAL: None

Filed 06/18/01

Effective 06/18/01

Agency Contact: Andrea Tuttle

DEPARTMENT OF GENERAL SERVICES

Conflict of Interest

Pursuant to the Political Reform Act of 1976, the Department of General Services is substantively amending the "list of designated positions" and "assigned disclosure category" portions of its conflict of interest code. These amendments have been approved by the Fair Political Practices Commission.

Title 2

California Code of Regulations

AMEND: 1194

Filed 01/11/01

Effective 02/10/01

Agency Contact: Lynn Catania (916) 323-7472

DEPARTMENT OF GENERAL SERVICES

Definitions

This emergency readopt with amendments establishes the requirements and procedures for state agencies entering into personal services contracts that would include provisions for employee benefits that are valued at 85% or more of the state employer cost of providing comparable benefits to state employees performing similar duties.

Title 2

California Code of Regulations

AMEND: 1896.300, 1896.310, 1896.320, 1896.330, 1896.340, 1896.350, 1896.360, 1896.370

Filed 04/30/01

Effective 04/30/01

Agency Contact:

Laurie Giberson (916) 322-5953

DEPARTMENT OF HEALTH SERVICES

Clinical Laboratories Personnel Licensing Standards

This certificate of compliance for emergency actions (R-2-99E) sets standards for education, training or experience, and examination leading to licensure of new categories of clinical laboratory personnel, including clinical cytogeneticist, clinical genetic molecular biologist, and oral pathologist as laboratory directors, and clinical hematologist scientist and clinical histocompatibility scientist as testing personnel. It also adds a new category of laboratory supervisor for waived laboratories, and defines a number of terms from federal law (CLIA).

Title 17

California Code of Regulations

ADOPT: 1029.7, 1029.31, 1029.32, 1029.33, 1029.81, 1029.82, 1029.83, 1029.86, 1029.118, 1029.119, 1029.126, 1029.127, 1029.153, 1029.169, 1029.171, 1029.196, 1029.197, 1030.6, 1030.7, 1030.8, 1031.1, 1031.4, 1031.5, 1036, 1036.1, 1036.2, 1036.3, 1036.4

Filed 04/03/01

Effective 04/03/01

Agency Contact:

Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES

Provider Rate Increases (FY 1999-2000)

This Certificate of Compliance amends reimbursement rates for health care services reimbursed by the Medi-Cal Program.

Title 22

California Code of Regulations

AMEND: 51503, 51505.1, 51505.2, 51518, 51527

Filed 04/04/01

Effective 04/04/01

Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES**Long Term Care Rates (FY 2000–2001)**

This filing is a certificate of compliance for an emergency regulatory action which increased the Medi-Cal payments for specified long term care and home care services (Department of Health Services #R-25-00E).

Title 22

California Code of Regulations

AMEND: 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.3, 51511.5, 51511.6, 51523, 51532.1, 51535, 51535.1, 51544, 54501

Filed 04/19/01

Effective 04/19/01

Agency Contact:

Barbara S. Gallaway (916) 657-3197

DEPARTMENT OF HEALTH SERVICES**Sign Language Interpreter Services**

This Certificate of Compliance adopts the criteria for Medi-Cal reimbursement for sign language interpreters. (Previous OAL file #00-0815-01E)

Title 22

California Code of Regulations

ADOPT: 51098.5, 51202.5, 51309.5, 51503.3

Filed 02/02/01

Effective 02/02/01

Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES**Annual HCPCS Update**

This Certificate of Compliance amends regulations to conform to the United States Health Care Financing Administration's (HCFA) Common Procedure Coding System (HCPCS). Previous OAL file #00-1027-03E

Title 22

California Code of Regulations

AMEND: 51515, 51521

Filed 04/04/01

Effective 04/04/01

Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES**Medi-Cal Provider Enrollment Application Process**

This Certificate of Compliance adopts the Medi-Cal provider enrollment application process. (Previous OAL file ## 00-0817-02EE, 00-0504-01EE, 99-1124-04EP, 99-0927-01EP)

Title 22

California Code of Regulations

ADOPT: 51000, 51000.1, 51000.101, 51000.2, 51000.3, 51000.4, 51000.5, 51000.6, 51000.7, 51000.8, 51000.9, 51000.10, 51000.11, 51000.12, 51000.13, 51000.14, 51000.15, 51000.16, 51000.17, 51000.18, 51000.19, 51000.20, 51000.21, 51000.22, 51000.23, 51000.24

Filed 02/08/01

Effective 02/08/01

Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES**Monitoring Requirements for Unregulated Chemicals in Drinking Water**

This emergency rulemaking requires all drinking water sources determined by the Department to be vulnerable to hexavalent chromium monitor for that chemical to enable the Department to determine both the occurrence of chromium VI and the contribution of chromium VI to the "total chromium" level.

Title 22

California Code of Regulations

AMEND: 64450 REPEAL: 64450.1

Filed 01/03/01

Effective 01/03/01

Agency Contact:

Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES**Screening For Childhood Lead Poisoning**

This regulatory action is a readoption of emergency regulations which established procedures for screening for childhood lead poisoning.

Title 17

California Code of Regulations

ADOPT: 37000, 37005, 37010, 37015, 37020, 37025, 37100

Filed 02/08/01

Effective 02/08/01

Agency Contact:

Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES**Osteogenesis Stimulator Devices**

This Certificate of Compliance filing completes the Department's emergency action, following litigation, by which the Department updated the Manual of Medi-Cal criteria which it uses for prior authorization of medical procedures, medical equipment purchases, etc., by adding Osteogenesis Stimulator Devices to the Manual which is incorporated by reference, and updated the edition date in the reference.

Title 22

California Code of Regulations

AMEND: 51003, 51321

Filed 03/16/01

Effective 03/16/01

Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES**Two-Plan Model Enrollment/Disenrollment**

The proposed print only regulatory action makes revisions to enrollment/disenrollment requirements governing the Department's Medi-Cal Two-Plan

Model Managed Care Program. The proposed regulatory action was submitted to OAL for printing only pursuant to section 147 of S.B. 485 (Chap. 722, Stats. 1992).

Title 22

California Code of Regulations

AMEND: 53845, 53881, 53886, 53887, 53888, 53889, 53891, 53892, 53895

Filed 02/02/01

Effective 03/04/01

Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES

Antidecubitus Care Support Surfaces

This Certificate of Compliance amends the Manual of Criteria for Medi-Cal Authorization for coverage of Durable Medical Equipment and antidecubitus care.

Title 22

California Code of Regulations

AMEND: 51003, 51160, 51321, 51521

Filed 02/05/01

Effective 02/05/01

Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES

Osteogenesis Stimulator Devices

By emergency regulation, following litigation which requires the Department to update its "Manual of Criteria for Medi-Cal Authorization" which is incorporated by reference into the Department's regulations, the Department added criteria for Osteogenesis Stimulator Devices to Accelerate the Healing of Selected Bone Fractures to the Manual. The Department is readopting these regulations on an emergency basis.

Title 22

California Code of Regulations

AMEND: 51003, 51321

Filed 01/23/01

Effective 01/23/01

Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES

Durable Medical Equipment/Medical Supply Provider Participation Standards

This readopted emergency rulemaking sets forth participation standards for durable medical equipment and medical supply providers. This emergency is deemed to be an emergency, and is exempt from review by the Office of Administrative Law.

Title 22

California Code of Regulations

ADOPT: 51224.5 AMEND: 51051, 51200, 51104, 51502

Filed 04/04/01

Effective 04/04/01

Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES

CPLTC Elimination Period

This emergency rulemaking amends provisions concerning long-term care services to comply with changes to the Insurance Code, and allows the certification of affordable policies with improved benefits, making them more attractive to consumers and sales agents. This emergency rulemaking is exempt from review by the Office of Administrative Law pursuant to section 22009(d) of the Welfare and Institutions Code.

Title 22

California Code of Regulations

AMEND: 58010, 58050, 58059, 58065

Filed 05/30/01

Effective 05/30/01

Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES

Monitoring Requirements for Unregulated Chemicals in Drinking Water

This Certificate of Compliance requires all drinking water sources determined by the Department to be vulnerable to hexavalent chromium to monitor for that chemical to enable the Department to determine both occurrence of chromium VI and the contribution of chromium VI to the "total chromium" level.

Title 22

California Code of Regulations

AMEND: 64450 REPEAL: 64450.1

Filed 04/30/01

Effective 04/30/01

Agency Contact:

Charles E. Smith

(916) 657-0730

DEPARTMENT OF HEALTH SERVICES

Reporting of Drinking Water Sample Analysis Results

This rulemaking action clarifies and strengthens reporting requirements for drinking water testing laboratories when coliform or nitrate levels exceed Maximum Contaminant Levels (MCLs), requiring reporting directly to the Department if the contact person of the drinking water supplier is unreachable, requiring electronic reporting in ASCII for certain reports (no new reports are required), and revising the reporting deadline for mandated periodic water sample analyses.

Title 22

California Code of Regulations

AMEND: 64423.1, 64432.1, 64451, 64819

Filed 05/15/01

Effective 06/14/01

Agency Contact:

Charles E. Smith

(916) 657-0730

DEPARTMENT OF HEALTH SERVICES**Drinking Water System Classification & Operator Certification**

This emergency readoption (R-40-00E) repeals old drinking water treatment plant and operator certification system regulations. It adopts new treatment plant and distribution system classifications and expanded operator certification, consistent with the California Clean Water Safety Act, and federal guidelines.

Title 17, 22

California Code of Regulations

ADOPT: 63750.10, 63750.15, 63750.20, 63750.25, 63750.30, 63750.35, 63750.40, 63750.45, 63750.50, 63750.55, 63750.60, 63750.65, 63750.70, 63750.75, 63750.85, 63765, 63770, 63775, 63780, 63785, 63790, 63795, 63800, 63805, 63810, 63815, 63820, 63825, 63830

Filed 04/25/01

Effective 05/02/01

Agency Contact:

Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES**Drug Medi-Cal Rates, FY 2000-01**

This emergency rulemaking updates the Medi-Cal reimbursement rates for substance abuse (Drug Medi-Cal) services for FY 2000-2001.

Title 22

California Code of Regulations

AMEND: 51516.1

Filed 03/21/01

Effective 03/21/01

Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES**Screening for Childhood Lead Poisoning**

This emergency regulatory action establishes procedures for screening and medically necessary follow-up services for childhood lead poisoning and goes into effect on June 9, 2001. It replaces existing emergency regulations establishing different procedures for screening for childhood lead poisoning which expire by operation of law on June 8, 2001.

Title 17

California Code of Regulations

ADOPT: 37000, 37020, 37025, 37100

Filed 06/04/01

Effective 06/09/01

Agency Contact:

Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES**Definition of Terms Regarding Clinical Laboratory Regulations**

This action renumbers sections of the regulations providing definitions of terms for clinical laboratory regulations, in order to place the definitions in proper alphabetical order.

Title 17, 22

California Code of Regulations

AMEND: 1029.6, 1029.170, 51529 (g)

Filed 05/14/01

Effective 05/14/01

Agency Contact:

Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES**Consumer Confidence Report on Water Quality**

This rulemaking action specifies the information that a community water system or a nontransient-noncommunity water systems must provide in an annual Consumer Confidence Report to its customers on the quality of the water delivered by the system. The revisions conform existing state public notification requirements to new federal public notification requirements for community water systems. The rulemaking action also requires nontransient-noncommunity water systems, which are not covered by the federal regulation, to provide the same public notification.

Title 22

California Code of Regulations

ADOPT: 64400.42, 64400.44, 64480, 64482, 64483

REPEAL: 64463.1

Filed 04/26/01

Effective 05/26/01

Agency Contact:

Charles E. Smith (916) 657-0730

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**Fire Sprinkler Systems**

This rulemaking action establishes standards that preempt local standards for the design and installation of a fire sprinkler system in a new or used manufactured home but does not require the installation of a fire sprinkler system.

Title 25

California Code of Regulations

ADOPT: 4300, 4302, 4304, 4306, 4308, 4310, 4312, 4314, 4316, 4318, 4320, 4322, 4324

AMEND: 4004

Filed 01/17/01

Effective 01/17/01

Agency Contact: Robert Keefe (916) 445-9471

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**Mobile Park Resident Ownership Program**

The Mobilehome Park Resident Ownership Program provides funding to facilitate the conversion of mobilehome parks to resident ownership. Following a 15 day availability period, the Department resubmitted this regulatory action revising the existing regulations

on this program to implement numerous statutory changes that have occurred since their adoption.

Title 25

California Code of Regulations

AMEND: 8000, 8002, 8004, 8006, 8008, 8010, 8012, 8014, 8020, 8022, 8024, 8026, 8028, 8030, 8032 REPEAL: 8018

Filed 05/11/01

Effective 05/11/01

Agency Contact: Lenora Frazier (916) 323-7288

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Home Investment Partnership Program

This action updates the regulations governing certification of Community Housing Development Organizations by the Department of Housing and Community Development and allocation of funds under the Home Investment Partnership Act Program.

Title 25

California Code of Regulations

ADOPT: 8204.1, 8212.1 AMEND: 8204, 8214, 8216, 8217

Filed 01/22/01

Effective 01/22/01

Agency Contact: Lenora Frazier (916) 323-7288

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Child Care Facilities Financing Program

This regulatory action implements Chapter 270, Statutes of 1997, the Thompson-Maddy-Ducheny-Ashburn Welfare-to-Work Act of 1997 which, among other things, established both a loan guarantee and a direct loan program for child care and development facilities to help preserve and increase the amount of child care spaces available.

Title 25

California Code of Regulations

ADOPT: 8250, 8251, 8252, 8253, 8254, 8255, 8256, 8257, 8258, 8259, 8260, 8261, 8262, 8263, 8264, 8265, 8266, 8267, 8268, 8269, 8270, 8271, 8272, 8273

Filed 02/02/01

Effective 02/02/01

Agency Contact: Lenora Frazier (916) 323-7288

DEPARTMENT OF INDUSTRIAL RELATIONS

Self Insurer's Interim Annual Report

The proposed regulatory action would delete the requirement that a self insurer submit an interim annual report when leaving self insurance and purchasing workers compensation coverage through a carrier.

Title 8

California Code of Regulations

REPEAL: 15402.1(4)

Filed 05/10/01

Effective 06/09/01

Agency Contact: Tina Freese (916) 483-3392

DEPARTMENT OF INDUSTRIAL RELATIONS

Self Insurers Annual Report

This regulatory action makes changes in the annual report submitted by self-insurers.

Title 8

California Code of Regulations

ADOPT: 15251(b)(1)(B) AMEND: 15251(b)(2), 15251(c)(2)(A), 15251(b)(6)

Filed 05/07/01

Effective 06/06/01

Agency Contact: Tina Freese (916) 483-3392

DEPARTMENT OF INDUSTRIAL RELATIONS

Annual License Fee Assessments

This rulemaking increases the annual license fee paid by private self insured employers and requires a former self insurer whose certificate was revoked to pay the annual license fee for an additional two years.

Title 8

California Code of Regulations

AMEND: 15230

Filed 04/19/01

Effective 05/19/01

Agency Contact: Tina Freese (916) 483-3392

DEPARTMENT OF INDUSTRIAL RELATIONS

Permanent Disability and Life pension Commutations

This rulemaking adopts the most recent US Life Tables to be used when commuting future permanent disability and life pension benefits to a lump sum.

Title 8

California Code of Regulations

ADOPT: 10169, 10169.1 REPEAL: 9885

Filed 01/17/01

Effective 01/17/01

Agency Contact:

Leslie W. Michael (415) 972-8580

DEPARTMENT OF INSURANCE

Rental Car Agent Licensing

This emergency readoption (ER-39) establishes the requirements of licensure for the sale of insurance by rental car companies after January 1, 2001.

Title 10

California Code of Regulations

ADOPT: 2130, 2130.1, 2130.2, 2130.3, 2130.4, 2130.5, 2130.6, 2130.7, 2130.8

Filed 04/30/01

Effective 04/30/01

Agency Contact:

Cindy A. Ossias (415) 538-4124

DEPARTMENT OF INSURANCE**Personal Lines Broker-Agent Prelicensing and Continuing Education Regs**

This emergency rulemaking action establishes prelicensing education curriculum standards for the new personal lines broker-agent license which may be issued as of January 1, 2002. A personal lines licensee will be authorized to transact automobile insurance, residential property insurance, personal watercraft insurance, and umbrella or excess liability insurance when written over one or more underlying automobile or residential property insurance policies. The original emergency submission also included non-emergency revisions to sections 2188, 2188.2, 2188.3, 2188.2, 2188.5, 2188.6, 2188.8, and 2188.9, which the Department withdrew.

Title 10

California Code of Regulations

ADOPT: 2187.3 AMEND: 2186.1, 2187.1, 2187.2, 2188, 2188.2, 2188.3, 2188.2, 2188.5, 2188.6, 2188.8, and 2188.9 REPEAL: None

Filed 06/13/01

Effective 01/01/02

Agency Contact:

Elaine LaFrance (415) 492-3568

DEPARTMENT OF INSURANCE**Public Inspection and Publication of Examinations**

This emergency action readopts standards for the presentation and length of comments that an insurance company may submit for publication concerning the insurance Commissioner's report on his examination of alleged unfair or deceptive practices of the company.

Title 10

California Code of Regulations

ADOPT: 2695.30 AMEND: None REPEAL: None

Filed 06/01/01

Effective 06/13/01

Agency Contact:

Cindy A. Ossias (415) 538-4124

DEPARTMENT OF INSURANCE**Holocaust Victim Insurance Relief Act of 1999—
Holocaust Ins. Registry**

This emergency readoption establishes procedures for insurance companies doing business in California to comply with the reporting requirements of the Holocaust Victim Insurance Relief Act of 1999.

Title 10

California Code of Regulations

ADOPT: 2278, 2278.2, 2278.3, 2278.4, 2278.5

Filed 01/16/01

Effective 01/16/01

Agency Contact: Leslie Tick (415) 538-4190

DEPARTMENT OF INSURANCE**California Low Cost Automobile Insurance Program**

The regulatory action is the emergency readoption of section 2498.6 of Title 10 of the California Code of Regulations which incorporates by reference the "California Automobile Insurance Low-Cost Program Plan of Operations". This readopted emergency text is identical to the text which became effective March 27, 2000. (Prior OAL Files: 00-1121-0C which was disapproved January 8, 2000, 00-0724-01EE, 00-0317-02EE and 00-0218-06E. Department of Insurance File Numbers ER37/RH391.)

Title 10

California Code of Regulations

ADOPT: 2498.6

Filed 01/08/01

Effective 01/08/01

Agency Contact: Elizabeth Mohr (415) 538-4112

DEPARTMENT OF INSURANCE**CA Low Cost Automobile Insurance Pilot Project Plan
of Operations**

The regulatory action is the Certificate of Compliance for the emergency adoption of section 2498.6 of Title 10 of the California Code of Regulations which incorporates by reference the "California Automobile Insurance Low-Cost Program Plan of Operations". (Prior OAL Files 00-0218-06E, 00-0317-02EE, 00-0724-01EE, 00-1121-01C and 01-0105-01EE; Department of Insurance File Numbers ER37/RH391.)

Title 10

California Code of Regulations

ADOPT: 2498.6

Filed 06/19/01

Effective 06/19/01

Agency Contact: Elizabeth Mohr (415) 538-4112

DEPARTMENT OF INSURANCE**Holocaust Victim Insurance Relief Act of 1999—
Holocaust Insurance Registry**

This emergency readoption establishes procedures for insurance companies doing business in California to comply with the reporting requirements of the Holocaust Victim Insurance Relief Act of 1999.

Title 10

California Code of Regulations

ADOPT: 2278, 2278.2, 2278.3, 2278.4, 2278.5

Filed 05/11/01

Effective 05/11/01

Agency Contact: Leslie Tick (415) 538-4190

DEPARTMENT OF INSURANCE**Public Inspection and Publication of Examinations**

This action adopts standards for the presentation and length of comments that an insurance company may submit for publication concerning the Insurance

Commissioner's report on his examination of alleged unfair or deceptive practices of the company.

Title 10

California Code of Regulations

ADOPT: 2695.30

Filed 02/13/01

Effective 02/13/01

Agency Contact:

Cindy A. Ossias (415) 538-4124

DEPARTMENT OF JUSTICE

Laboratory Certification, Firearms Safety Devices, Gun Safe Standards

This emergency rulemaking action implements the laboratory certification and firearms safety device testing programs mandated by California Penal Code sections 12087–12088.9, establishes procedures to create and maintain a roster of certified laboratories and a roster of certified firearms safety devices, and establish standards and testing requirements for gun safes and firearms safety devices.

Title 11

California Code of Regulations

ADOPT: 977.10, 977.15, 977.20, 977.30, 977.31, 977.32, 977.33, 977.34, 977.35, 977.36, 977.40, 977.41, 977.42, 977.43, 977.44, 977.45, 977.46, 977.47, 977.48, 977.49, 977.50, 977.51, 977.60, 977.70, 977.71, 977.80,

Filed 02/01/01

Effective 02/01/01

Agency Contact: Bill Statti (916) 263-0850

DEPARTMENT OF JUSTICE

Laboratory Certificate, Firearms Safety Devices, Gun Safe Standards

This emergency rulemaking action implements the laboratory certification and firearms safety device testing programs mandated by California Penal Code sections 12087–12088.9, establishes procedures to create and maintain a roster of certified laboratories and certified firearms safety devices, and establish standards and testing requirements for gun safes and firearms safety devices.

Title 11

California Code of Regulations

ADOPT: 977.10, 977.15, 977.20, 977.30, 977.31, 977.32, 977.33, 977.34, 977.35, 977.36, 977.40, 977.41, 977.42, 977.43, 977.44, 977.45, 977.46, 977.47, 977.48, 977.49, 977.50, 977.51, 977.55, 977.60, 977.70, 977.71, 977.80, 977.90

Filed 05/18/01

Effective 05/18/01

Agency Contact: Steven Teeters (916) 263-0849

DEPARTMENT OF JUSTICE

Health Facility Transactions

This Certificate of Compliance completing an emergency action implements Assembly Bill 254

(c. 850, Statutes of 1999) which extends the Attorney General's authority over health facility transfers between nonprofit corporations and other nonprofit corporations as well as between nonprofits and for-profit corporations as in previously existing law. The Attorney General must consent, consent conditionally, or deny consent to the proposed transfer after notice to the public, evaluation of numerous factors including potential ethical conflicts, effect on availability and accessibility to health care, and whether the transfer is in the public interest, and holding public hearings. Earlier related files include OAL files numbered 01-0129-05 EE, 00-0121-03E, 00-0310-02E, 00-0526-02 EE, and 00-0921-02EE.

Title 11

California Code of Regulations

ADOPT: 999.5 AMEND: 999.2(f) REPEAL: 999.2(e), 999.5

Filed 04/20/01

Effective 05/21/01

Agency Contact: Mark J. Urban (916) 324-5347

DEPARTMENT OF JUSTICE

Conflict of Interest Code

This is a Conflict of Interest Code filing approved by Fair Political Practices Commission on January 18, 2001, and submitted to the Office of Administrative Law for printing only and filing with the Secretary of State.

Title 11

California Code of Regulations

AMEND: 20

Filed 01/30/01

Effective 03/01/01

Agency Contact: Ted Prim (916) 324-5481

DEPARTMENT OF JUSTICE

Non Profit Raffle Program

The proposed emergency regulatory action adopts registration and reporting requirements for eligible organizations conducting non-profit raffles for beneficial or charitable purposes. This action implements Penal Code section 320.5.

Title 11

California Code of Regulations

ADOPT: 410, 411, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426

Filed 06/01/01

Effective 07/01/01

Agency Contact:

Barbara D. Moore (916) 323-6665

DEPARTMENT OF JUSTICE

Health Facility Transactions

This readoption of an emergency action implements Assembly Bill 254 (chapter 850, Statutes of 1999) which extends the Attorney General's authority over

health facility transfers between nonprofit public benefit corporations and between nonprofit public benefit corporations and other corporations. This readoption follows OAL files 00-0121-03E, 00-0310-02E, 00-0526-02 EE, and 00-0921-02EE.

Title 11

California Code of Regulations

ADOPT: 999.5 AMEND: 999.2, 99.5(a)(3)

REPEAL: 999.5

Filed 01/30/01

Effective 01/30/01

Agency Contact: Mark J. Urban (916) 324-5347

DEPARTMENT OF JUSTICE

Proposition 65 Private Enforcement

This regulatory action sets forth requirements for reporting to the Attorney General concerning civil actions brought by private persons in the public interest pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, as amended by Chapter 599, Statutes of 1999 (Proposition 65).

Title 11

California Code of Regulations

ADOPT: 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008

Filed 06/01/01

Effective 07/01/01

Agency Contact: Edward G. Weil (510) 622-2149

DEPARTMENT OF MANAGED HEALTH CARE

Outpatient Prescription Drug Benefits

This action is the certification of compliance for the formal adoption of a regulation that requires every health care service plan that provides prescription drug benefits to provide coverage for all medically necessary outpatient prescription drugs.

Title 28

California Code of Regulations

ADOPT: 1300.67.24

Filed 04/16/01

Effective 04/16/01

Agency Contact:

Jennifer Willis (916) 323-7528

DEPARTMENT OF MANAGED HEALTH CARE

Grievance Procedures

Emergency regulations intended by the Dept. of Corporations to implement statutory changes which shortened the time period within which health care service plans must act upon enrollee grievances and otherwise required the grievance procedure to be more responsive became effective May 30, 2000. On July 1, 2000, Health and Safety Code section 1341.9 transferred the powers and duties relating to health care service plans from the Dept. of Corporations to the Dept. of Managed Care. This filing is a certificate of compliance for an emergency regulatory action of the

Dept. of Managed Care effective August 14, 2000 which replaced the emergency regulations of the Dept. of Corporations and was intended to more accurately reflect the statutory intent.

Title 10

California Code of Regulations

ADOPT: 1300.68.01 AMEND: 1300.68

Filed 01/10/01

Effective 01/10/01

Agency Contact:

Jennifer Willis (916) 323-7528

DEPARTMENT OF MANAGED HEALTH CARE

Hospice Regulations

This action implements legislation that requires all group health care service plans other than specialized plans to offer hospice care as a basic health care service.

Title 28

California Code of Regulations

ADOPT: 1300.68.2 AMEND: 1300.67

Filed 06/26/01

Effective 07/26/01

Agency Contact:

Christina Hooke (916) 322-7550

DEPARTMENT OF MANAGED HEALTH CARE

Financial Solvency—Risk Bearing Organizations

This emergency action requires certain disclosures and reports to and from risk-bearing medical organizations, which receive payments from health plans through capitation, fixed periodic payments, or other forms of risk arrangement. The regulations also require health plans to file certain reports with the Department of Managed Health Care (DMHC) relating to the risks assumed by such risk-bearing organizations.

Title 28

California Code of Regulations

ADOPT: 1300.75.4, 1300.75.4.1, 1300.75.4.2, 1300.75.4.3, 1300.75.4.4, 1300.75.4.5, 1300.75.4.6

Filed 03/22/01

Effective 03/22/01

Agency Contact:

Jennifer Willis (916) 323-7528

DEPARTMENT OF MANAGED HEALTH CARE

Grievance Procedures

Emergency regulations intended by the Dept. of Corporations to implement statutory changes which shortened the time period within which health care service plans must act upon enrollee grievances and otherwise required the grievance procedure to be more responsive became effective May 30, 2000. On July 1, 2000, Health and Safety Code section 1341.9 transferred the powers and duties relating to health care service plans from the Dept. of Corporations to the

Dept. of Managed Care. This filing is a certificate of compliance for an emergency regulatory action of the Dept. of Managed Care effective August 14, 2000 which repealed the emergency regulations of the Dept. of Corporations to make way for replacement emergency regulations adopted by the Dept. of Managed Care.

Title 10
California Code of Regulations
AMEND: 1300.68 REPEAL: 1300.68.01
Filed 01/10/01
Effective 01/10/01
Agency Contact:
Jennifer Willis (916) 323-7528

DEPARTMENT OF MENTAL HEALTH
Conflict of Interest Code

The Department of Mental Health is repealing and adopting its conflict of interest code found at the captioned cite. The Fair Political Practices Commission approved this change on January 26, 2001.

Title 9
California Code of Regulations
ADOPT: 400 REPEAL: 400
Filed 03/12/01
Effective 04/11/01
Agency Contact: Steven Appel (916) 654-4027

DEPARTMENT OF MOTOR VEHICLES
True Full Time

This emergency regulatory action amends the information necessary to change one's name on a driver license or identification card.

Title 13
California Code of Regulations
AMEND: 20.04
Filed 05/24/01
Effective 05/24/01
Agency Contact: Deborah Baity (916) 657-5690

DEPARTMENT OF MOTOR VEHICLES
Requesting Information from the Department

This regulatory action amends the requirements for requesting personal information from the Department.

Title 13
California Code of Regulations
AMEND: 350.02, 350.03, 350.04, 350.06, 350.16, 350.20, 350.22, 350.24, 350.28, 350.34, 350.36, 350.38, 350.40, 350.44, 350.46, 350.48, 350.50
Filed 06/13/01
Effective 07/13/01
Agency Contact: Ann Myrick (916) 657-8857

DEPARTMENT OF MOTOR VEHICLES
Certificate of Self-Insurance

This rulemaking action defines terms used in the self-certification of financial responsibility regula-

tions, specifies the requirements for qualifying as a self-insurer, identifies and incorporates initial and renewal application forms, clarifies support documentation required, and increases the minimum net worth required to the minimum statutory level currently required by the Insurance Code to qualify as an insurance company transacting automobile liability business.

Title 13
California Code of Regulations
ADOPT: 80.00, 80.25 AMEND: 80.50, 80.55, 80.60, 80.65, 80.70, 80.75, 80.90
Filed 06/26/01
Effective 07/26/01
Agency Contact:
Christie Patrick (916) 657-5567

DEPARTMENT OF MOTOR VEHICLES
California Ignition Interlock Device Program

The regulatory action deals with the California Ignition Interlock Device Program.

Title 13
California Code of Regulations
ADOPT: 125.00, 125.06, 125.12, 125.16, 125.18, 125.20, 125.22, AMEND: 100.91, 100.93, 100.92, 100.94, 1000.95
Filed 06/22/01
Effective 07/22/01
Agency Contact: Ann Myrick (916) 657-8857

DEPARTMENT OF MOTOR VEHICLES
Dealer Examinations and Administrative Remedies

The proposed regulatory action would repeal a provision which requires the examination for vehicle dealers to be in English only and in written form.

Title 13
California Code of Regulations
AMEND: 268.04, 314.00
Filed 05/14/01
Effective 06/13/01
Agency Contact: Deborah Baity (916) 657-5690

DEPARTMENT OF MOTOR VEHICLES
Driver Education Pilot Program

This rulemaking action would set out the participation, recordkeeping, audit, and other requirements for driving schools to participate in the driver education pilot program created by Statutes 1999, chapter 206 (S. B. 946) as well as applicant participation and waiver requirements. The pilot program is to evaluate the effectiveness of classroom-based versus non-classroom programs of driver education for persons under 18 years of age by assigning students to one of four alternative types of driver education.

Title 13
California Code of Regulations
ADOPT: 55.01, 55.02, 55.03, 55.04, 55.05, 55.06

Filed 05/22/01
Effective 05/22/01
Agency Contact: Deborah Baity (916) 657-5690

DEPARTMENT OF MOTOR VEHICLES
Delegated Testing Pilot Program

This action repeals regulations pertaining to the Delegated Testing Pilot Program. The statutory authority for the program was repealed effective January 1, 1999 (S.B. 1329, Stats. 1997, c.760).

Title 13
California Code of Regulations
REPEAL: 343.00, 343.02, 343.03, 343.04, 343.05, 343.06
Filed 03/05/01
Effective 03/05/01
Agency Contact: Ann Myrick (916) 657-8857

DEPARTMENT OF MOTOR VEHICLES
Driver License Penalty Fee

Section 146.00 set a penalty fee for failure to surrender a driver license. This non-substantive action repeals section 146.00 because the statutory authority and reference citations for this regulation, Vehicle Code sections 13551.1 and 14908, were repealed effective January 1, 2000.

Title 13
California Code of Regulations
REPEAL: 146.00
Filed 01/09/01
Effective 01/09/01
Agency Contact: Deanna Brown (916) 657-9001

DEPARTMENT OF PERSONNEL
ADMINISTRATION
Substance Abuse Testing

This regulatory action would conform the requirements for mandatory random drug testing of excluded and exempt state correctional employees in sensitive positions to those in the 1998 collective bargaining agreement for represented correctional state employees, instead of the existing reasonable suspicion based process.

Title 2
California Code of Regulations
AMEND: 599.960, 599.961, 599.963, 599.964, 599.965
Filed 01/25/01
Effective 01/25/01
Agency Contact: Bob Painter (916) 324-9351

DEPARTMENT OF PESTICIDE REGULATION
Methyl Bromide Field Fumigation—Public Roadways

This emergency action amends the standards for the boundaries of the inner buffer zone associated with methyl bromide fumigation of fields in order to allow fumigation to be performed closer to roads.

Title 3
California Code of Regulations
AMEND: 6450.2, 6450.3
Filed 06/27/01
Effective 06/27/01
Agency Contact:
Linda Irokawa-Otani (916) 445-3991

DEPARTMENT OF PESTICIDE REGULATION
Dazomet and Potassium N-methyldithiocarbamate (metam-potassium)

This readoption of an emergency action adds two chemicals to those restricted materials for which users must apply to County Agricultural Commissioners for permits which may contain protective use requirements.

Title 3
California Code of Regulations
AMEND: 6400
Filed 03/15/01
Effective 03/15/01
Agency Contact: Fred Bundock (916) 324-4194

DEPARTMENT OF PESTICIDE REGULATION
Purpose

The California Department of Pesticide Regulation is amending the captioned sections changing mainly authority citations based on the Governor's Reorganization Plan No. 1, Stats. 1991.

Title 3
California Code of Regulations
AMEND: 6100, 6102, 6110, 6116, 6118, 6122, 6130, 6140, 6141, 6152, 6153, 6154, 6156, 6157, 6158, 6159, 6160, 6171, 6176, 6177, 6178, 6179, 6181, 6182, 6184, 6185, 6187, 6188, 6189, 6191, 6192, 6197.5, 6200, 6206, 6210, 6215, 6222, 6223, 6225, 6226, 624
Filed 06/20/01
Effective 07/20/01
Agency Contact:
Linda Irokawa-Otani (916) 445-3991

DEPARTMENT OF PESTICIDE REGULATION
Groundwater Protect List, Pest Mgt. Zones/Use Requirements for Norflurazon

This rulemaking action adds norflurazon to the Groundwater Protection List, establishes use requirements for norflurazon, and designates pesticide management zones within Fresno and Tulare counties in which the use of norflurazon is restricted for the purpose of protecting ground water.

Title 3
California Code of Regulations
ADOPT: 6486.8 AMEND: 6800, 6802
Filed 02/21/01
Effective 03/23/01
Agency Contact: Fred Bundock (916) 324-4194

DEPARTMENT OF REAL ESTATE

Fees

This action raises the Department's fees for broker and salesperson licenses, and land subdivision related filing fees.

Title 10

California Code of Regulations

AMEND: 2716, 2790.1, 2805.1

Filed 05/16/01

Effective 06/15/01

Agency Contact: David B. Seals (916) 227-0789

DEPARTMENT OF REAL ESTATE

Out of State Time-Share Projects

The regulatory action states that the Commissioner of Real Estate will apply Business and Professions Code section 10250.2, subdivision (b) to only the regulations for time-share projects situated outside of California that are listed in section 2813.14.

Title 10

California Code of Regulations

ADOPT: 2813.14

Filed 01/10/01

Effective 02/09/01

Agency Contact: David B. Seals (916) 227-0789

DEPARTMENT OF REHABILITATION

Grants, Auditing, and Habilitation Ratesetting

The regulatory action deals with the requirements for applicant appeals and the composition of the Grant Review Committee and the Audit Review Committee.

This regulatory action is effective January 9, 2001 pursuant to Government Code section 11343.4, subdivision (c).

Title 9

California Code of Regulations

AMEND: 7334, 7335, 7337

Filed 01/09/01

Effective 01/09/01

Agency Contact: Keltie Jones (916) 263-8973

DEPARTMENT OF REHABILITATION

Mediation Procedures

This Certification of Compliance adopts provisions for mediation of appeals of a departmental action. (Previous OAL file # 00-0920-03E)

Title 9

California Code of Regulations

ADOPT: 7353.6 AMEND: 7350, 7351, 7353

Filed 02/20/01

Effective 02/20/01

Agency Contact: Keltie Jones (916) 263-8973

DEPARTMENT OF REHABILITATION

Level of Significance of Disability

This emergency action introduces a new procedure for determining the order of selection of individuals

eligible for vocational rehabilitation services so that the Department may utilize a more efficient, reliable and valid method.

Title 9

California Code of Regulations

AMEND: 7050, 7051, 7053, 7054, 7056, 7057

Filed 06/28/01

Effective 07/01/01

Agency Contact: Joseph O. Egan (916) 263-8977

DEPARTMENT OF REHABILITATION

Loan Guarantee Programs

This regulatory action amends the eligibility requirements for specified loan guarantee programs.

Title 9

California Code of Regulations

AMEND: 7263, 7264.2, 7264.6

Filed 05/17/01

Effective 05/17/01

Agency Contact: Juanita Loyola (916) 263-8972

DEPARTMENT OF SOCIAL SERVICES

CalWORKs Sponsored Noncitizens

This emergency regulatory action amends provisions which require that the income of a person sponsoring a noncitizen be deemed to be that of the noncitizen, for purposes of CalWORKs.

Title MPP

California Code of Regulations

AMEND: 42-205, 43-119, 44-133 REPEAL: 44-353

Filed 01/08/01

Effective 01/08/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Group Home Child Care and Administrators Training

This non-substantive action renumbers this section of the Department of Social Services regulations regarding group homes.

Title 22, MPP

California Code of Regulations

AMEND: 84001

Filed 04/30/01

Effective 04/30/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Adoption Assistance Program Emergency Regulations

As directed by the stipulated judgment in a federal civil rights lawsuit, this emergency rulemaking action conforms state adoption assistance program regulations to federal and state legislative changes.

Title 22, MPP

California Code of Regulations

ADOPT: 35333, 35334 AMEND: 35001, 35013, 35067, 35177, 35179, 35211, 35325, 35326, 35337, 35339, 35341, 35343, 35344, 35351 REPEAL: 35333

Filed 03/30/01

Effective 03/31/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Increase of Purchase of Service Threshold

This regulatory action raises the minimum amount of a contract for which a county must conduct a public hearing.

Title MPP

California Code of Regulations

AMEND: 23-625.2

Filed 01/04/01

Effective 01/04/01

Agency Contact:

DeAnna J. Setzer (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Simplified Food Stamp Program (SFSP)

This emergency rulemaking action adopts a Simplified Food Stamp Program (SFSP) which clarifies the applicability of the Fair Labor Standards Act (FLSA) to unpaid community service and work experience in the California Work Opportunity and Responsibility to Kids (CalWORKs).

Title MPP

California Code of Regulations

AMEND: 42-710.1, 41-710.2, 42-11.9, 42-716.111, 63-407.2, 63-407.5

Filed 03/26/01

Effective 04/01/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Noncitizen Eligibility Certificate Provisions

The proposed emergency regulatory action implements federal regulations known as the Noncitizen Eligibility and Certification Provisions. The changes include new vehicle valuation rules that impact both the California Work Opportunity and Responsibility to Kids and the Food Stamp Programs; revising sponsored noncitizen programs, the addition of a 40 percent standard deduction from self-employment income for costs of producing that income; and extending certification periods and proration of benefits after a break in certification.

Title MPP

California Code of Regulations

AMEND: 63-102, 63-300, 63-301, 63-402, 63-405, 63-501, 63-502, 63-503, 63-504, 63-507

Filed 05/24/01

Effective 05/24/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Tyler v. Anderson Retroactive Benefits Lawsuit

The proposed regulatory action implements the provisions of the settlement agreement in *Tyler v. Anderson* providing for retroactive payments for range of motion paramedical services in the In-Home Supportive Services Program. The proposed regulations provide a method of determining eligible claimants, providing notification to potential claimants, establishing both claimant, departmental and county responsibilities, defines retroactive eligibility periods, establishes the claiming process, sets forth the method for calculation of benefits and interest, and establishes the requirements for these benefits.

Title MPP

California Code of Regulations

ADOPT: 50-025 AMEND : 80-310

Filed 01/17/01

Effective 01/17/01

Agency Contact:

DeAnna J. Setzer (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Repeal of IHSS

The Department of Social Services is amending the captioned sections of its Manual of Policies and Procedure to bring it into conformity with Chapter 206, section 23, Statutes of 1996.

Title MPP

California Code of Regulations

AMEND: 23-601, 604, 610, 613, 616, 620, 621, 622, 624, 625, 630, 640, 650

Filed 04/17/01

Effective 04/17/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

AB 1753; RCFE; Alzheimer's Disease; Specified Training Requirements

This emergency rulemaking implements recent legislation requiring administrators for residential care facilities to complete at least eight hours of continuing education in subjects related to serving residents with Alzheimer's Disease and other dementias.

Title 22, MPP

California Code of Regulations

AMEND: 87564.3, 87730

Filed 05/23/01

Effective 05/23/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
CalWORKS Sponsored Noncitizens

This emergency regulatory action amends provisions which require that the income of a person sponsoring a noncitizen be deemed to be that of the noncitizen, for purposes of CalWORKs. (Previous OAL file 00-1228-05E)

Title MPP
 California Code of Regulations
 AMEND: 42-205, 43-119, 44-133 REPEAL:
 44-353
 Filed 05/07/01
 Effective 05/07/01
 Agency Contact:
 Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
Residential Care Facilities for the Elderly Administrator Certification

This action sets standards and procedures for departmental approval of courses providing training necessary for certification of RCFE facility administrators and for their continuing education

Title 22, MPP
 California Code of Regulations
 ADOPT: 87102, 87564.2, 87564.3, 87564.4, 87564.5, 87730.1, 87730.2, 87731, 87731.1, 87731.2, 87731.3, 87731.4 AMEND: 87100, 87101, 87218, 87561, 84563, 87564, 87566, 87730
 Filed 03/12/01
 Effective 03/12/01
 Agency Contact:
 Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
CCL Fees and Renewals

The Department of Social Services is amending the captioned sections pertaining to title 22, California Code of Regulations, and their Manual of Policy and Procedures in order to remove language pertaining to the renewal of an application for licensure.

Title 22, MPP
 California Code of Regulations
 AMEND: 80018, 80027, 80029, 80034, 80036, 83017, 87001, 87017, 87027, 87029, 87034, 87036, 87044, 87045, 87101, 87218, 87224, 87230, 87235, 87340, 87834, 89019, 89043 REPEAL: 80032, 80033, 80041, 83032, 87032, 87033, 87041, 87233, 87234
 Filed 06/29/01
 Effective 06/29/01
 Agency Contact:
 Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
California Veterans Cash Benefit (CVCB) Program

This emergency rulemaking provides for cash benefits for WW II veterans of the Republic of the Philippines' military service who were receiving SSI/SSP benefits in California, but who move to the Philippines to live.

Title MPP
 California Code of Regulations
 ADOPT: 49-101, 49-105, 49-110, 49-115, 49-120, 49-125
 Filed 04/26/01
 Effective 04/26/01
 Agency Contact:
 Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
Pregnancy Special Needs

This emergency regulatory action conforms the CalWORKs regulations to the legal requirement that a CalWORKs-eligible pregnant woman is eligible for the pregnancy special needs allowance (\$47 a month) not only during the third trimester of her pregnancy but also at any time during the pregnancy as long as the pregnancy is verified, the woman is otherwise eligible for CalWORKs, and federal law does not require pregnancy special needs allowances to be counted as income in the first five months of pregnancy. In 1996, the federal law changed and no longer required this allowance to be counted as income against the grant.

Title MPP
 California Code of Regulations
 AMEND: 44-211.63, 44-211.64
 Filed 05/31/01
 Effective 05/31/01
 Agency Contact:
 Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
***Tyler v. Anderson* Retroactive Lawsuit**

The proposed regulatory action implements the provisions of the settlement agreement in *Tyler v. Anderson* providing for retroactive payments for range of motion paramedical services in the In-home Supportive Services Program. The proposed regulations provide a method of determining eligible claimants, providing notification to potential claimants, establishing both claimant, departmental and county responsibilities, defines retroactive eligibility periods, establishes the claiming process, sets forth the method for calculation of benefits and interest, and establishes the requirements for these benefits.

Title MPP
 California Code of Regulations
 ADOPT: 50-025 AMEND: 80-310

Filed 03/22/01
Effective 03/22/01

Agency Contact:
Anthony J. Velasquez (916) 657-2586

**DEPARTMENT OF SOCIAL SERVICES
Maximum Family Grant (MFG) Amendments**

This emergency action (#0401-09) amends the California Work Opportunity and Responsibility to Kids (CalWORKs) program's Maximum Family Grant (MFG) regulations, consistent with court settlement orders in *Nickols v. Saenz* and *Kehrer v. Saenz*.

Title MPP
California Code of Regulations
AMEND: 44-314, 82-518
Filed 06/25/01
Effective 07/01/01
Agency Contact:
Anthony J. Velasquez (916) 657-2586

**DEPARTMENT OF SOCIAL SERVICES
Grant-Based On-the-Job Training (OJT)**

This emergency regulatory action revises the existing regulations governing grant-based on-the-job training (OJT) in the California Work Opportunity and Responsibility to Kids (CalWORKs) Welfare-to-Work (WTW) Program to address recent statutory changes.

Title MPP
California Code of Regulations
AMEND: 42-701, 42-716, 44-111
Filed 03/29/01
Effective 04/01/01
Agency Contact:
Anthony J. Velasquez (916) 657-2586

**DEPARTMENT OF THE YOUTH AUTHORITY
Annual Review**

The proposed regulatory action would establish that a ward shall be provided with a copy of the Annual Review Report no later than five days prior to the scheduled Board hearing date.

Title 15
California Code of Regulations
AMEND: 4622
Filed 06/19/01
Effective 07/19/01
Agency Contact: Karen Thomas (916) 263-1437

**DEPARTMENT OF TOXIC SUBSTANCES
CONTROL**

Assessment of Administrative Penalties

This emergency rulemaking action adds regulations on assessment of administrative penalties in administrative enforcement orders issued pursuant to Health and Safety Code Section 25187. It includes provisions on applicability, penalty calculation, initial penalty, adjustment factors, multiple violations, multi-day

violations, minor violations subject to a penalty, base penalty, adjustments to base penalty, and final penalty.

Title 22
California Code of Regulations
ADOPT: 66272.60, 66272.61, 66272.62, 66272.63, 66272.64, 66272.65, 66272.66, 66272.67, 66272.68, 66272.69
Filed 03/30/01
Effective 04/13/01
Agency Contact: George Rose (916) 445-1664

**DEPARTMENT OF TOXIC SUBSTANCES
CONTROL**

Groundwater Remediation Loan Program

This emergency rulemaking establishes the Groundwater Remediation Loan Program, that provides loans to local agencies to address groundwater contamination problems.

Title 22
California Code of Regulations
ADOPT: 68300, 68301, 68302, 68303, 68304, 68305, 68306, 68307, 68308, 68309
Filed 06/25/01
Effective 06/25/01
Agency Contact: Laurie Grouard (916) 323-3394

**DEPARTMENT OF TOXIC SUBSTANCES
CONTROL**

Universal Waste Rule

This rulemaking action readopts emergency regulations to conditionally exempt "universal waste" batteries, thermostats, and lamps (including fluorescent tubes) from management as hazardous waste until it arrives at a destination facility, provided the universal waste is managed in compliance with specified, streamlined requirements regarding notification, management, labeling, accumulation, employee training, response to release, offsite shipment, tracking, and export. The rule also authorizes certain "households" and "conditionally exempt small quantity generators" to manage and dispose of specified universal waste as non-hazardous waste.

Title 22
California Code of Regulations
ADOPT: 66261.9, 66273.1, 66273.2, 66273.4, 6273.5, 66273.8, 66273.9, 66273.10, 66273.11, 66273.12, 66273.13, 66273.14, 66273.15, 66273.16, 66273.17, 66273.18, 66273.19, 66273.20, 66273.30, 66273.31, 66273.32, 66273.33, 66273.34, 66273.35, 66273.36
Filed 06/26/01
Effective 07/05/01
Agency Contact: Mike Horner (916) 322-7889

DEPARTMENT OF TOXIC SUBSTANCES
CONTROL

Application for a Permit

This non-substantive action amends this regulation to conform to the amendment of Health and Safety Code section 25199.6 (SB 2035, Stats 2000, c. 343, § 10) which now requires the Department of Toxic Substances Control to review for completeness each application for a hazardous waste facilities permit and notify the applicant in writing whether the application is complete within 30 days from the date of receipt.

Title 22

California Code of Regulations

AMEND: 66271.2

Filed 03/15/01

Effective 03/15/01

Agency Contact: Joan Ferber (916) 322-6409

DEPARTMENT OF TOXIC SUBSTANCES
CONTROL

Universal Waste Rule

This rulemaking action readopts emergency regulations to conditionally exempt "universal waste" batteries, thermostats, and lamps (including fluorescent tubes) from management as hazardous waste until it arrives at a destination facility, provided the universal waste is managed in compliance with specified, streamlined requirements regarding notification, management, labeling, accumulation, employee training, response to release, offsite shipment, tracking, and export. The rule also authorizes certain "households" and "conditionally exempt small quantity generators" to manage and dispose of specified universal waste as non-hazardous waste.

Title 22

California Code of Regulations

ADOPT: 66261.9, 66273.1, 66273.2, 66273.3, 66273.4, 66273.5, 66273.6, 66273.7, 66273.8, 66273.9, 66273.10, 66273.11, 66273.12, 66273.13, 66273.14, 66273.15, 66273.16, 66273.17, 66273.18, 66273.19, 66273.20, 66273.30, 66273.31, 66273.33, 66273.34, 66273.3

Filed 03/06/01

Effective 03/06/01

Agency Contact: Mike Horner (916) 322-7889

DEPARTMENT OF TOXIC SUBSTANCES
CONTROL

CLEAN Loan Program

This action institutes standards and procedures for a new loan program designed to facilitate the assessment and cleanup of contaminated urban sites that are underutilized by lending the landowners money for these purposes.

Title 22

California Code of Regulations

ADOPT: 68200, 68201, 68202, 68203, 68204, 68205, 68206, 68207, 68208, 68209, 68210, 68211, 68212, 68213

Filed 01/18/01

Effective 01/18/01

Agency Contact: Joan Ferber (916) 322-6409

DEPARTMENT OF TOXIC SUBSTANCES
CONTROL

CUPA Oversight and Program Management Costs

This emergency readoption conforms the Department's regulation to recent statutory changes concerning the collection of the surcharge for the Certified Unified Program Agencies (CUPA's).

Title 27

California Code of Regulations

AMEND: 15240

Filed 03/08/01

Effective 03/08/01

Agency Contact: Joan Ferber (916) 322-6409

DEPARTMENT OF TOXIC SUBSTANCES
CONTROL

Transportable Treatment Unit Standardized Permit

A "Transportable Treatment Unit" is a piece of mobile equipment which is not permanently stationed at a single facility but which is transported onto a facility to change the physical, chemical, or biological character or composition of any hazardous waste or any material contained therein, or removes or reduces its harmful properties or characteristics. This filing is the resubmittal following a 15 day availability period of a previously disapproved regulatory action which would have established operating standards and requirements for Transportable Treatment Units that are not eligible for operation under a lower permitting tier.

Title 22

California Code of Regulations

ADOPT: 66270.67

Filed 05/14/01

Effective 06/13/01

Agency Contact: Joan Ferber (916) 322-6409

DEPARTMENT OF VETERANS AFFAIRS

CAL-VET Loan Processing/Mortgage Brokers

This filing is a certificate of compliance for an emergency regulatory action intended to implement Assembly Bill No. 2933. This bill requires the Department of Veterans Affairs (DVA) to take specified actions to efficiently process and approve Cal-Vet loans and to include participation by the private sector real estate mortgage associations in the loan origination process.

Title 12

California Code of Regulations

ADOPT: 302.1, 302.2, 302.3 AMEND: 302, 309.2

Filed 04/06/01
Effective 04/06/01
Agency Contact: Terri Daves (916) 503-8011

DEPARTMENT OF WATER RESOURCES

Yuba Feather Flood Protection Program Feasibility Studies

This Certification of Compliance adopts the requirements for funding of feasibility studies for flood protection plans on the Yuba and Feather Rivers and the Colusa Drain pursuant to the Yuba Feather Flood Protection Program of the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act of 2000. (Previous OAL file # 00-0919-01E)

Title 23
California Code of Regulations
AMEND: 499.1, 499.2, 499.3, 499.4, 499.5, 499.6, 499.7, 499.8
Filed 03/06/01
Effective 03/06/01
Agency Contact:
Claire Priestly LeFlore (916) 653-8826

DIVISION OF THE STATE ARCHITECT

Excess Flow Automatic Gas Shutoff Valves

This is the resubmission of an action that specifies the standards and procedure for obtaining State Architect certification of valves designed to shut off the supply of natural gas to a residence upon the occurrence of an excessive flow of gas through the valve.

Title 21
California Code of Regulations
ADOPT: 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400
Filed 05/16/01
Effective 06/15/01
Agency Contact: Richard Conrad (916) 324-7180

DIVISION OF WORKERS COMPENSATION

Vocational Rehabilitation

The proposed regulatory action establishes reporting procedures and provides guidance to Qualified Rehabilitation Representatives regarding steps they may pursue in order to determine if the injured employee is vocationally feasible.

Title 8
California Code of Regulations
ADOPT: 10124.1
Filed 05/30/01
Effective 06/29/01
Agency Contact: Guia Carreon (415) 703-4600

DIVISION OF WORKERS COMPENSATION
Workers' Comp. -Inpatient Hospital Fee Schedule

The Division of Workers' Compensation, Department of Industrial Relations is amending the captioned sections. Appendices A and B are being repealed and adopted pertaining to the Inpatient Hospital Fee Schedule. These changes are exempt from review by the Office of Administrative Law pursuant to Government Code section 11343(a)(1).

Title 8
California Code of Regulations
AMEND: 9790.1, 9792.1
Filed 05/30/01
Effective 06/29/01
Agency Contact: James Robbins (415) 703-4600

DIVISION OF WORKERS COMPENSATION

ALJ 90 Day Salary Affidavit

This regulatory action changes the standard required on the salary affidavits completed by Administrative Law Judges from "personal knowledge" to "information and belief."

Title 8
California Code of Regulations
AMEND: 9714, 9714.5
Filed 05/23/01
Effective 06/22/01
Agency Contact: Guia Carreon (415) 703-4600

DIVISION OF WORKERS COMPENSATION

Inpatient Hospital Fee Schedule

The Division proposes to increase the allowable fee for several back surgery procedures by allowing providers to bill separately for "implantable hardware and/or instrumentation."

Title 8
California Code of Regulations
AMEND: 9792.1
Filed 03/14/01
Effective 04/13/01
Agency Contact: James Robbins (415) 703-4600

EMERGENCY MEDICAL SERVICES AUTHORITY

Emergency Medical Technician-I Optional Skills

The existing regulations provide that a local EMS agency may establish policies and procedures for certifying a EMT-1 to perform a list of optional skills including the use of medications. This action would expand the list of approved procedures and medications and would include training requirements. It would also delete endotracheal intubation from the list of approved optional skills.

Title 22
California Code of Regulations
ADOPT: 100059.2 AMEND: 100059.1, 100064
Filed 04/16/01

Effective 04/16/01

Agency Contact: Sean Trask (916) 322-4336

EMPLOYMENT DEVELOPMENT DEPARTMENT
Barber and Cosmetologist

Existing law at section 621(b) of the Unemployment Insurance Code adopts the common law rules to determine the employer-employee relationship. The common law rules are set forth in court decisions, the most significant of which are the decisions of the California Supreme Court in *Empire Star Mines Co., Ltd. v. California Employment Commission* (1946) 28 Cal.2d 33, 168 P.2d 686, and *Tieberg v. CUIAB* (1970) 2 Cal.3d 949, 471 P.2d 975, 88 Cal.Rptr. 175. The common law test used to determine if an employer-employee relationship exists is summarized at section 4304-1 of title 22 of the California Code of Regulations. This proposed regulatory action will apply the general common law factors to the specific facts which normally occur when individuals are working as barbers or cosmetologists.

Title 22

California Code of Regulations

ADOPT: 4304-12

Filed 01/22/01

Effective 02/21/01

Agency Contact: Laura Colozzi (916) 654-7712

EMPLOYMENT DEVELOPMENT DEPARTMENT
Meals and Lodging

This rulemaking increases the taxable value of meals and lodging furnished to employees by employers during calendar year 2001. These increases are due to inflation.

Title 22

California Code of Regulations

AMEND: 926-3, 926-4, 926-5

Filed 04/10/01

Effective 04/10/01

Agency Contact: Laura Colozzi (916) 654-7712

EMPLOYMENT TRAINING PANEL
Frontline Workers

This emergency regulatory action amends provisions concerning funding of Special Employment Training (SET) projects and clarifies the Panel's mandate to permit special allowances for the training of workers in high unemployment areas. (Previous OAL file # 01-0103-03EE)

Title 22

California Code of Regulations

ADOPT: 4400(hh), 4400(ii) AMEND: 4400(ee), 4409, 4420

Filed 06/20/01

Effective 06/20/01

Agency Contact: Deanna Fong (650) 655-6938

EMPLOYMENT TRAINING PANEL

Frontline Worker

This emergency regulatory action amends provisions concerning funding of special Employment Training (SET) projects; the replacement of Private Industry Councils with Workforce Investment Boards in delegations of the Panel's authority; and clarifies the Panel's mandate to permit special allowances for the training of workers in high unemployment areas.

Title 22

California Code of Regulations

ADOPT: 4400 (hh), 4400 (ii) AMEND: 4400 (ee), 4407, 4409, 4420

Filed 01/08/01

Effective 01/08/01

Agency Contact: Deanna Fong (650) 655-6938

ENVIRONMENTAL PROTECTION AGENCY
CUPA Oversight and Program Management Costs

This readopted emergency rulemaking conforms the Department's regulation to recent statutory changes concerning the collection of the surcharge for the Certified Unified Program Agencies (CUPAs).

Title 27

California Code of Regulations

AMEND: 15240

Filed 06/25/01

Effective 06/25/01

Agency Contact: Bonnie Amoruso (916) 322-2833

FAIR POLITICAL PRACTICES COMMISSION

Conflict of Interest—Doing Business in the Jurisdiction

The Fair Political Practices Commission is adopting the captioned section pertaining to "Doing Business in the Jurisdiction". The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO10924, dated April 27, 1992.

Title 2

California Code of Regulations

ADOPT: 18230

Filed 01/10/01

Effective 02/01/01

Agency Contact: John Wallace (916) 445-4812

FAIR POLITICAL PRACTICES COMMISSION

Proposition 34—Campaign Disclosure

The Fair Political Practices Commission is adopting the captioned sections pertaining to reporting cumulative amounts for state candidates and state recipient committees and notification of personal contributions in excess of the voluntary expenditure limits. The Office of Administrative Law has filed the above regulatory action with the Secretary of State in

accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO 10924, dated April 27, 1992.

Title 2

California Code of Regulations

ADOPT: 18421.4, 18542

Filed 06/19/01

Effective 07/19/01

Agency Contact: Carla Wardlow (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION

Materiality Standards: Business Entities

Commission regulations prescribe materiality standards to be used in deciding whether the reasonably foreseeable financial effect of a governmental decision will be of a sufficiently large financial magnitude to trigger a conflict of interest. This action revises the regulation applying when business entities are directly or indirectly involved in a governmental decision.

Title 2

California Code of Regulations

ADOPT: 18705.1 REPEAL: 18705.1

Filed 01/18/01

Effective 02/01/01

Agency Contact: John Wallace (916) 445-4812

FAIR POLITICAL PRACTICES COMMISSION

Technical Cleanup

This non-substantive regulatory action amends sections 18406, 18427.1, 18723, and 18960 pertaining to campaign contributions, statements, reports, and filing of annual statements of economic interest. The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO10924, dated April 27, 1992.

Title 2

California Code of Regulations

AMEND: 18406, 18427.1, 18723, 18960

Filed 06/26/01

Effective 07/26/01

Agency Contact: Kelly Winsor (916) 327-0268

FAIR POLITICAL PRACTICES COMMISSION

Government Salary Exception, Personal Financial Effect—Personal Financial Effect

The proposed action would adopt and amend definitions contained in the conflict of interest provisions known as the “Government Salary Exception”.

Title 2

California Code of Regulations

ADOPT: 18232 AMEND: 18703.5, 18704.5, 18705, 18705.3, 18705.5

Filed 01/17/01

Effective 02/16/01

Agency Contact: John Wallace (916) 445-4812

FAIR POLITICAL PRACTICES COMMISSION

Proposition 34 Provisions Applicable to Local Jurisdictions

In November 2000, voters approved Proposition 34, which made major changes to the Political Reform Act. In this emergency regulation, the Commission makes clear that these newly amended and enacted provisions apply to local jurisdictions.

Title 2

California Code of Regulations

ADOPT: 18573

Filed 01/22/01

Effective 01/22/01

Agency Contact: Scott Tocher (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION

Public Officials

The proposed action would amend the provisions which define public official, member, consultant and the terms “public investments”, “public money”, and “management of public investments”.

Title 2

California Code of Regulations

AMEND: 18701

Filed 01/11/01

Effective 02/10/01

Agency Contact: John Wallace (916) 445-4812

FAIR POLITICAL PRACTICES COMMISSION

Basic Rule

The proposed regulatory action is a nonsubstantive technical cleanup of the Commission’s regulations governing conflicts of interest.

Title 2

California Code of Regulations

AMEND: 18700, 18703.1, 18703.2, 18703.3, 18703.4, 18704.1, 18705.3, 18729, 18730

Filed 02/13/01

Effective

Agency Contact: John Wallace (916) 445-4812

FAIR POLITICAL PRACTICES COMMISSION

Cleanup Prop. 208 and Prop. 73 Regulations

The Fair Political Practices Commission is amending sections 18523, 18523.1, 18531, 18533, and 18537, and repealing sections 18519.4, 18530.1, 18530.7, 18531.1, 18531.3, 18531.4, 18531.5, 18532, 18535, 18539, 18541, 18550 and 18626 of title 2, California Code of Regulations pertaining to campaign contributions. The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices*

Commission v. Office of Administrative Law, et al.,
3 Civil CO10924, dated April 27, 1992.

Title 2

California Code of Regulations

AMEND: 18523, 18523.1, 18531, 18533, 18537

REPEAL: 18519.4, 18530.1, 18530.7, 18531.1,
18531.3, 18531.4, 18531.5, 18532, 18535, 18539,
18541, 18550, 18262

Filed 05/04/01

Effective 06/03/01

Agency Contact: Luisa Menchaca (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION

Proposition 34—Campaign Disclosure

The Fair Political Practices Commission is adopting three new regulations as emergency regulations which pertain to campaign disclosure. This emergency action is based on voter approval of Proposition 34 on November 7, 2000.

Title 2

California Code of Regulations

ADOPT: 18539, 18539.2, 18550

Filed 06/25/01

Effective 06/25/01

Agency Contact:

Margaret Figueroid (916) 327-5525

FAIR POLITICAL PRACTICES COMMISSION

Legally Required Participation

The Fair Political Practices Commission is amending the captioned sections pertaining to “Determining When a Public Official is Making a Governmental Decision,” “Legally Required Participation,” and “Provisions of Conflict of Interest Codes.” The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO10924, dated April 27, 1992.

Title 2

California Code of Regulations

AMEND: 18702.1, 18708, 18730

Filed 01/10/01

Effective 02/01/01

Agency Contact: John Wallace (916) 445-4812

FAIR POLITICAL PRACTICES COMMISSION

Conflict of Interest—Materiality Standards, Real Property

This action deals with determining whether a public official’s interest in real property is directly or indirectly involved in a governmental decision.

Title 2

California Code of Regulations

AMEND: 18704.2, 18705.2

Filed 01/16/01

Effective 02/01/01

Agency Contact: John Wallace (916) 445-4812

FAIR POLITICAL PRACTICES COMMISSION

Conflict of Interest: Public Generally Exception

This action amends regulations which deal with a public official not having a disqualifying conflict of interest in a governmental decision if that decision affects the public official’s economic interest in a manner indistinguishable from how it would affect the public generally.

Title 2

California Code of Regulations

ADOPT: 18707.9 AMEND: 18707, 18707.1,

18707.2, 18707.3, 18707.7

Filed 01/16/01

Effective 02/01/01

Agency Contact: John Wallace (916) 445-4812

FAIR POLITICAL PRACTICES COMMISSION

Small Contributor Committees

The Fair Political Practices Commission is adopting section 18503, and repealing sections 18502 and 18502.1, of title 2, California Code of Regulations pertaining to small contributor committees and broad based political committees. The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO10924, dated April 27, 1992.

The Office of Administrative Law approves this regulatory action following a review limited to those provisions of the Administrative Procedure Act in effect on June 4, 1974 (former Government Code sections 11370, et seq.), pursuant to a decision of the Court of Appeal, Third District (April 27, 1992), Case No. CO10924 [unpublished opinion].

Title 2

California Code of Regulations

ADOPT: 18503 REPEAL: 18502, 18502.1

Filed 05/01/01

Effective 05/01/01

Agency Contact: Julia Bilaver (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION

Small Contributor Committees

The Fair Political Practices Commission is adopting section 18503, and repealing sections 18502 and 18502.1 of title 2, California Code of Regulations pertaining to small contributor committees and broad based political committees. The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO10924, dated April 27, 1992.

The Office of Administrative Law approves this regulatory action following a review limited to those provisions of the Administrative Procedure Act in effect on June 4, 1974 (former Government Code sections 11370, et seq.), pursuant to a decision of the Court of Appeal, Third District (April 27, 1992), Case No. CO10924 [unpublished opinion].

Title 2
California Code of Regulations
ADOPT: 18503 REPEAL: 18502, 18502.1
Filed 01/16/01
Effective 01/16/01
Agency Contact: Julia Bilaver (916) 322-5660

FISH AND GAME COMMISSION Incidental Take of Coho Salmon

This emergency regulatory action would permit under specified conditions the incidental take of Coho salmon during its candidacy period under the California Endangered Species Act.

Title 14
California Code of Regulations
ADOPT: 749.1
Filed 04/26/01
Effective 04/26/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION Nearshore Fishery Control Date for Gear Endorsement Program

The proposed regulatory action establishes October 20, 2000 as the control date for implementation of a nearshore fishery gear endorsement program.

Title 14
California Code of Regulations
ADOPT: 150.03
Filed 06/18/01
Effective 07/18/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION Mammal Hunting and Trapping Regulations

This regulatory action made some revisions to the number of tags to be issued for deer, Nelson bighorn sheep, pronghorn antelope, and elk for 2001 and made the requirements for the take of wild pig under a special depredation permit less burdensome.

Title 14
California Code of Regulations
AMEND: 360, 361, 362, 363, 364, 401
Filed 05/21/01
Effective 06/01/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION Ceremonial Indian Fishing

This regulatory action adopts a new section 8.20 which authorizes the Department of Fish and Game to issue 3 day permits to members of the Maidu Indian Tribe allowing the limited take of fish in the Feather River for religious or cultural purposes using traditional tribal fishing equipment and methods. This regulatory action also proposed to amend obsolete provisions in existing section 5.86 restricting the handling and disposition of Hoopa and Yurok caught fish outside the boundaries of the Hoopa Valley Reservation, however, this part of the regulatory action was withdrawn to make further changes.

Title 14
California Code of Regulations
ADOPT: 8.20 AMEND: 5.86
Filed 06/18/01
Effective 07/18/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION Ocean Salmon Sport Fishing

This regulatory action revises the salmon ocean sport fishing regulations to conform to recent changes made by the Pacific Fishery Management Council.

Title 14
California Code of Regulations
AMEND: 27.80
Filed 04/23/01
Effective 05/01/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION Klamath—Trinity River Sport Salmon Regulations

The proposed regulatory action is the 2001 amendments to the Klamath-Trinity River sport salmon fishing regulations.

Title 14
California Code of Regulations
AMEND: 2.02, 7.50
Filed 04/30/01
Effective 05/01/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION Permits to Kill Mountain Lions Causing Damage

This rulemaking deletes a provision authorizing the Department of Fish & Game to prepare plans for the taking of mountain lions for specific areas with a history of mountain lion damage.

Title 14
California Code of Regulations
AMEND: 402
Filed 03/05/01
Effective 04/04/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION

Pink Shrimp Trawling

This regulatory action establishes a restricted commercial fishery for pink shrimp trawling north of Point Conception.

Title 14

California Code of Regulations

ADOPT: 120.01 AMEND: 120

Filed 03/28/01

Effective 03/28/01

Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION

Groundfish & Nearshore Fishery Management

This regulatory action revises the ocean sport and commercial fishing regulations affecting nearshore and shelf species of finfishes. For the nearshore fishery, these regulatory changes are intended to stabilize fish stocks and are interim measures to the extent they may be replaced by regulations adopted in conjunction with California's Nearshore Fishery Management Plan on or before January 1, 2002. For the shelf groundfish fishery, these regulatory changes are intended to keep harvest levels in line with levels needed to achieve rebuilding goals for overfished stocks of lingcod, bocaccio, canary rockfish, and cowcod.

Title 14

California Code of Regulations

ADOPT: 1.90, 27.67, 27.82, 28.26, 28.58, 150.01, 150.06, 150.16, 150.17 AMEND: 27.60, 28.27, 28.28, 28.29, 28.54, 28.55, 28.65, 120, 120.3, 195

Filed 03/05/01

Effective 03/05/01

Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION

Sport Fishing

This regulatory action amends the sport fishing regulations to (1) prohibit the use of waterdogs as bait and adds them to the list of restricted species, (2) make clarifying changes regarding abalone, (3) prohibit fishing in Sespe Creek below Alder Creek and change to catch and release limited to artificials only above Alder Creek, and (4) open Berryessa Lake tributaries in Lake County to fishing.

Title 14

California Code of Regulations

AMEND: 4.00, 4.10, 4.15, 4.20, 4.25, 4.30, 7.50(b)(174.5), 29.15, 671, 7.50(b)(19)

Filed 02/27/01

Effective 02/27/01

Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION

Mammal Hunting Applications

Fish and Game Code section 713 authorizes the fees for licenses, stamps, permits, and tags issued by the Department of Fish and Game to be adjusted annually based upon the change in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services as published by the United States Department of Commerce. Fish and Game Code section 1055 provides for an annual 5% increase in handling fees collected by license agents. This filing is submitted by the Fish and Game Commission as a change without regulatory effect to adjust the fees as provided by statute.

Title 14

California Code of Regulations

AMEND: 362, 363, 364, 367, 371

Filed 03/07/01

Effective 03/07/01

Agency Contact: John M. Duffy (916) 653-4899

FRANCHISE TAX BOARD

Recapture of Deduction For Qualified Property

The regulatory action deals with the recapture of deduction for qualified property previously used in an enterprise zone. (Prior OAL file 00-1011-01S.)

Title 17

California Code of Regulations

ADOPT: 17267.2-1, 24356.7-1

Filed 02/26/01

Effective 03/28/01

Agency Contact:

Colleen Berwick

(916) 845-3306

FRANCHISE TAX BOARD

Apportionment Methods

This regulatory action applies the existing regulation's exclusion from the sales factor of substantial gross receipts derived from an occasional sale of a fixed asset to the sales of intangible property.

Title 18

California Code of Regulations

AMEND: 25137(c)(1)(A)

Filed 01/30/01

Effective 01/01/01

Agency Contact:

Colleen Berwick

(916) 845-3306

FRANCHISE TAX BOARD

Doing Business in California-Corporation Tax

The Board proposes to revise regulations concerning the Bank and Corporation Franchise Tax and the Corporation Income Tax to reflect (1) the overruling of a U.S. Supreme Court case which had limited application of the taxes in certain cases and (2) legislative changes.

Title 18
California Code of Regulations
AMEND: 23101, 23040(a), 23501 REPEAL:
23040(b)
Filed 04/02/01
Effective 05/02/01
Agency Contact:
Colleen Berwick (916) 845-3306

INDUSTRIAL MEDICAL COUNCIL
Disability Evaluation Report Writing Course

This is the readoption of an emergency action implementing Chapter 54, Statutes of 2000, which requires a physician seeking appointment as a qualified medical examiner under the workers compensation law to complete a course in disability evaluation report writing prior to appointment.

Title 8
California Code of Regulations
ADOPT: 11.5, 118, 119 AMEND: 1
Filed 05/02/01
Effective 05/02/01
Agency Contact:
James D. Fisher (650) 737-2049

INDUSTRIAL WELFARE COMMISSION
Industrial Welfare Commission Wage Order

The Industrial Welfare Commission is adopting Industrial Welfare Commission Wage Order No. 16 entitled "wages, hours and working conditions for certain on-site occupations in the construction, drilling, logging and mining industries," effective as amended January 1, 2001.

Title 8
California Code of Regulations
ADOPT: IWC Order No. 16
Filed 02/08/01
Effective 01/01/01
Agency Contact: Bridget Bain

INDUSTRIAL WELFARE COMMISSION
Industrial Welfare Commission Minimum Wage Order

Effective January 1, 2001, Minimum Wage Order 2001 increases the minimum wage to \$6.25 per hour, and to \$6.75 as of January 1, 2002. This action is exempt from the Administrative Procedure Act pursuant to Labor Code section 517.

Title 8
California Code of Regulations
ADOPT: 11000 REPEAL: 11000
Filed 02/14/01
Effective 01/01/01
Agency Contact: Nikki Verrett (916) 322-4098

MANAGED RISK MEDICAL INSURANCE BOARD

AIM Federal Poverty Level Reference Change

The Managed Risk Medical Insurance Board is amending the captioned section in order to provide an update to the definition of the "Federal poverty level," as well as quotations in subdivision (x) for conformity.

Title 10
California Code of Regulations
AMEND: 2699.100
Filed 05/23/01
Effective 06/22/01
Agency Contact: Dennis Gilliam (916) 322-1250

MANAGED RISK MEDICAL INSURANCE BOARD

HFP Family Value Package

The proposed regulatory action readopt would amend the healthy families program—family value package provisions including a reduction in the calculation figure from 10 % to 7.5% requiring participating health care providers to lower their rates.

Title 10
California Code of Regulations
AMEND: 2699.6500, 2699.6805, 2699.6809
Filed 02/20/01
Effective 03/22/01
Agency Contact: Kelli L. Alten (916) 327-6554

MEDICAL BOARD OF CALIFORNIA

Delegation of Function—Technical Clean-Up

The Medical Board of California is amending the captioned sections in order to provide technical cleanup necessitated by reorganization.

Title 16
California Code of Regulations
AMEND: 1301, 1302, 1356, 1364.10, 1364.13, Div 13.5 heading, 1399.204, 1399.274, 1399.275, 1399.276, 1399.277, 1399.278, 1399.279
Filed 02/26/01
Effective 03/28/01
Agency Contact: Nancy Grillo (916) 263-2347

NEW MOTOR VEHICLE BOARD

ACP Fee 2000/2001 Billing

The New Motor Vehicle Board is amending the captioned section in order to accommodate the amount to be collected pursuant to Section 472.5(f) of the Business and Professions Code as set out in 13 CCR 553.70.

Title 13
California Code of Regulations
AMEND: 553.70
Filed 01/25/01
Effective 02/24/01
Agency Contact: Dawn K. Kindel (916) 445-1888

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Double Cleat Ladders**

This rulemaking specifies that double cleat ladders shall not exceed 24 feet in length. This action corrects a conflict with another of the Board's regulations, and makes it consistent with the recommendations of the American National Standards Institute (ANSI).

Title 8
California Code of Regulations
AMEND: 1629
Filed 03/26/01
Effective 04/25/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Process Safety Management for Acutely Hazardous Materials

The California Occupational Safety and Health Standards Board is amending the captioned section pertaining to emergency planning and response. The change provides clarification.

Title 8
California Code of Regulations
AMEND: 5189(n)
Filed 06/13/01
Effective 06/13/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Structural and Scaffold Planks

This rulemaking increases the allowable bending stress level of structural and scaffold planks, and references the latest editions of the two lumber grading documents.

Title 8
California Code of Regulations
AMEND: 1504, 3622
Filed 06/19/01
Effective 07/19/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Scaffolds Used in the Construction Industry

This regulatory action will revise scaffold safety standards consistent with revised federal regulations and prohibit (1) work during storms or high winds except as specified; (2) covering wood platforms with opaque finishes which might obscure damage; (3) using repaired wire rope as suspension rope; (4) locating gas-powered equipment on suspension scaffolds; and (5) using as platforms devices designed solely for emergency escape and rescue.

Title 8
California Code of Regulations
AMEND: 1637, 1658
Filed 04/06/01
Effective 05/06/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Confined Spaces

This regulatory action (1) would revise the General Industry Safety Orders on working in confined spaces to clarify that operations not covered by the general industry or maritime orders for confined spaces (covered by "permit confined space" regulations and based directly on the federal standards), such as construction and electric utilities, would have to prepare for the hazard of oxygen enrichment as well as contaminated air and oxygen deprived environments; and (2) would also revise the orders covering all three categories to specify the duties of multiple employers with employees working in the same confined space to coordinate and communicate about the confined space hazards and the one confined space plan under which to work.

Title 8
California Code of Regulations
AMEND: 5157, 5158, 8355
Filed 04/25/01
Effective 05/25/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

General Industry Safety Orders: Working From Or On Top Of An Elevating Work Platform Guardrail

This regulatory action prohibits workers from sitting, standing or climbing on the guardrails of an elevating work platform or use planks, ladders, or other devices to gain additional height or reach.

Title 8
California Code of Regulations
AMEND: 3646(e)
Filed 01/23/01
Effective 02/22/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Fall Protection

The California Occupational Safety and Health Standards Board is amending the captioned section in order to provide a renumbering necessitated by a prior filing.

Title 8
California Code of Regulations
AMEND: 1670(b)

Filed 02/13/01
Effective 03/15/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

**Construction Safety Orders: Approval of Structural
Wood Framing System Erection Plans**

**Low-Voltage Electrical Safety Orders: The Use of
Barriers and Insulated Gloves**

The proposed amendment would delete the requirement that a structural wood framing procedure be approved by a civil or structural engineer requiring instead that a site specific, written erection procedure shall be prepared by a qualified person and implemented under the direct supervision of a competent person.

Title 8
California Code of Regulations
AMEND: 1716.1(f)(1)
Filed 01/29/01
Effective 02/28/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Boatswains' Chairs

The Occupational Safety and Health Standards Board is correcting the description in the drawing included in the captioned subsection to reflect the dimensions contained within the stated subsection (18 inches long is being changed to 24 inches long).

Title 8
California Code of Regulations
AMEND: 1662(j)
Filed 06/25/01
Effective 06/25/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Fall Protection

The Occupational Safety and Health Standards Board is renumbering paragraphs in the captioned section necessitated by the removal of language in a prior filing.

Title 8
California Code of Regulations
AMEND: 1670(c)
Filed 01/17/01
Effective 01/17/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Test of Firefighters' Service

This regulatory action deletes a requirement that elevator firefighters' service be tested in conjunction with a five-year load test. This action is a building standard which was approved by the Building Standards Commission on January 31, 2001, and filed with the Secretary of State on February 2, 2001.

Title 8, 24
California Code of Regulations
AMEND: 3071, 7-3071
Filed 02/02/01
Effective 03/04/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

The Use of Barriers and Insulated Gloves

This rulemaking outlines the required conditions under which work on energized parts of equipment or systems can be performed.

Title 8
California Code of Regulations
AMEND: 2320.2
Filed 01/16/01
Effective 02/15/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Hygiene Facilities and Practices

The Occupational Safety and Health Standards Board is removing a cross-reference which was repealed in Register 1976, No. 29, and correcting the cross-reference with the correct citation with those sections added in Article 9, Sanitation, in 1976, No. 29.

Title 8
California Code of Regulations
AMEND: 5209(d)(2)(B)(C)(D)
Filed 06/11/01
Effective 06/11/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Bulk Storage of Loose Material

This rulemaking provides consistency between existing Title 24 building standards and Title 8 with regard to the construction of bulk storage structures.

Title 8
California Code of Regulations
AMEND: 3482
Filed 02/08/01
Effective 03/10/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Marine Terminals

This action amends the above-listed regulations regarding marine terminals to be substantially the same as the corresponding federal regulations. This action is exempt from the Administrative Procedure Act and OAL review pursuant to Labor Code section 142.3(a)(3) and is submitted for printing only and filing with the Secretary of State.

Title 8
California Code of Regulations
AMEND: 3465(a), 3472, 3475
Filed 03/06/01
Effective 03/06/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Specific Definitions for Power Operated Presses

This rulemaking provides for a definition of "slide," and makes other clarifying changes for the definitions for power operated presses.

Title 8
California Code of Regulations
AMEND: 4188(b)
Filed 05/07/01
Effective 06/06/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Requirements for Trench Shoring Systems

This rulemaking pertains to the requirements to protect employees in excavations, and specifically requires employers to install protective shoring in a manner that will protect employees from the hazards of loose or raveling soil.

Title 8
California Code of Regulations
AMEND: 1541.1
Filed 04/09/01
Effective 05/09/01
Agency Contact: Marley Hart (916) 274-5721

**OFFICE OF ADMINISTRATIVE LAW
Procedures for Regulatory Determinations**

This regulatory action amends the procedures for requesting and reviewing a regulatory determination.

Title 1
California Code of Regulations
ADOPT: 125.5 AMEND: 121, 122, 123, 124, 125, 126, 127, 128
Filed 06/20/01
Effective 06/20/01
Agency Contact: Herb Bolz (916) 323-6814

**OFFICE OF CRIMINAL JUSTICE PLANNING
Conflict of Interest Code**

The Office of Criminal Justice Planning is amending its conflict of interest code found at the captioned cite, and approved by the Fair Political Practices Commission on February 28, 2001.

Title 2
California Code of Regulations
AMEND: Ch. 9, sec. 30000
Filed 04/24/01
Effective 05/24/01
Agency Contact:
Sylvia A. Kempton (916) 323-7731

**OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

Chemicals as known to the State to Cause Cancer or Reproductive Toxicity

In this filing, pursuant to Proposition 65, the Office adds 21 chemicals to the list of chemicals known to the state to cause cancer or reproductive toxicity.

Title 22
California Code of Regulations
AMEND: 12000
Filed 04/10/01
Effective 04/10/01
Agency Contact: Cynthia Oshita (916) 322-2068

**OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

Chemicals known to the State to Cause Cancer or Reproductive Toxicity

The Office of Environmental Health Hazard Assessment is amending the captioned section pertaining to chemicals known to the state to cause cancer or reproductive toxicity. The amendments are exempt from review by the Office of Administrative Law pursuant to Health and Safety Code section 25249.8.

Title 22
California Code of Regulations
AMEND: 12000
Filed 06/11/01
Effective 04/24/01
Agency Contact: Cynthia Oshita (916) 322-2068

**OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

Specific Regulatory Levels Posing No Significant Risk

This action removes allyl chloride and chlorodibromomethane from the regulation that lists chemicals posing no significant risk. This action is exempt from the Administrative Procedure Act pursuant to Health and Safety Code section 25249.8 and is submitted to the Office of Administrative Law for printing only and filing with the Secretary of State.

Title 22

California Code of Regulations

AMEND: 12705

Filed 05/09/01

Effective 10/29/99

Agency Contact: Cynthia Oshita (916) 322-2068

OFFICE OF SPILL PREVENTION AND RESPONSE

Certificates of Financial Responsibility

This emergency readoption implements SB 221 (chapter 721, Statutes of 2000), an urgency bill, which lowered the proof of financial responsibility requirement for specified non-tank vessels, as re-defined, proportionate to the amount of oil actually being carried rather than the blanket \$300,000,000 minimum previously required of almost all oil-carrying vessels, whether tankers or not. Non-tank vessels cannot operate in state waters without the required proof of Certificate of Financial Responsibility.

Title 14

California Code of Regulations

AMEND: 791, 791.7, Form FG OSPR-1972 (12/00)

Filed 04/16/01

Effective 04/16/01

Agency Contact:

Joy D. Lavin-Jones (916) 327-0910

OFFICE OF SPILL PREVENTION AND RESPONSE

Contingency Plans: On-Water Recovery Capability Increase

This print-only filing increases by 25% the number of barrels of oil for which sufficient containment and recovery equipment must be available within certain time periods, depending on the capacity and location of the vessel or facility. The originally adopted oil spill contingency planning provisions, which were exempt from OAL review pursuant to Government Code section 8670.28(e), provide for three 25% increases at four-year intervals based on the Administrator's finding that the increase is "feasible and necessary" after a prescribed review, consideration of comments and a public hearing, which were completed.

Title 14

California Code of Regulations

AMEND: 817.02, 818.02

Filed 05/25/01

Effective 07/01/01

Agency Contact:

Joy D. Lavin-Jones (916) 327-0910

OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

Fee For Performance of Feasibility Studies For Federal Loan Insurance Program

This rulemaking action establishes an administrative fee for the performance of feasibility studies for

federal loan insurance programs for health care facilities, defines a "study," and sets out the procedure for payment and reimbursement of the fee and the entire cost of the study under various circumstances. The action implements 1999 amendments to Health and Safety Code sections 129048 and 129049.

Title 22

California Code of Regulations

ADOPT: 91550

Filed 03/19/01

Effective 04/18/01

Agency Contact:

Merrilee Malcomb (916) 327-5860

OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

Insurance Premiums

The proposed action establishes discounts on loan insurance premiums charged by the Office for health facility construction, improvement, and expansion loans. The action is filed for printing only pursuant to the exemption for regulations which establish or fix rates, prices, or tariffs (Government Code section 11340.9(g)).

Title 22

California Code of Regulations

AMEND: 91477

Filed 03/20/01

Effective 03/20/01

Agency Contact:

Merrilee Malcomb (916) 327-5860

OFFICE OF THE STATE FIRE MARSHAL

Listing Fees

As mandated by statute, the State Fire Marshal publishes a biennial compilation of listings of specified approved fire safety material and equipment and so on, and charges application, renewal, and listing fees. This regulatory action increases the listing fee to cover the cost of posting and maintaining up-to-date listings on the Internet which will provide much greater, easier and more reliable access to the listing information for the affected public.

Title 19

California Code of Regulations

AMEND: 216

Filed 02/27/01

Effective 02/27/01

Agency Contact: Jeannie Smith (916) 445-8454

OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA

Medical Corporations

Responding to repeal of the statute mandating that it register medical corporations which include both D.O.'s and M.D.'s, the Board is deleting the regulations which implemented the registration statute.

Title 16

California Code of Regulations

REPEAL: 1665, 1666, 1667, 1668, 1669, 1671, 1672, 1673

Filed 03/20/01

Effective 03/20/01

Agency Contact:

Linda J. Bergman (916) 263-3100

**OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
Credentials**

This regulatory action makes various changes to the licensing requirements.

Title 16

California Code of Regulations

ADOPT: 1611(e) AMEND: 1611(c), 1611(d), 1613, 1620, 1621, 1678, 1690

Filed 03/20/01

Effective 04/19/01

Agency Contact:

Linda J. Bergman (916) 263-3100

PHYSICIAN ASSISTANT COMMITTEE

Notice of Change of Address/PA Training Program Fees

The proposed regulatory action requires a change of address notification be made to the committee within thirty (30) calendar days of the change and reduces the fees charged for a physician assistant training program application and initial approval.

Title 16

California Code of Regulations

AMEND: 1399.511, 1399.556

Filed 06/07/01

Effective 07/01/01

Agency Contact: Glenn L. Mitchell, (916) 263-2670 ext. 203

**PUBLIC EMPLOYEES' RETIREMENT SYSTEM
CalPERS Replacement Benefits Plan**

The California Public Employees' Retirement System is adopting the captioned sections pertaining to the replacement benefits plan which is exempt from review by the Office of Administrative Law pursuant to Government Code section 21760 found in Part 3.4 entitled Internal Revenue Code Compliance and Replacement Benefit Program.

Title 2

California Code of Regulations

ADOPT: 589, 589.1, 589.2, 589.3, 589.4, 589.5, 589.6, 589.7, 589.8, 589.9, 589.10

Filed 01/25/01

Effective 01/25/01

Agency Contact: Judy Daggao (916) 326-3007

**PUBLIC EMPLOYMENT RELATIONS BOARD
Definition of Terms under EERA**

This is the certification of compliance for an action that updates regulations describing the right of a labor organization that is the exclusive representative of public school employees to request the payment of organizational security, and specifying the procedures for rescinding and reinstating organizational security (fair share) fees.

Title 8

California Code of Regulations

ADOPT: 34050, 34055, 34060, 34065, 51720

AMEND: 32001, 32050, 32155, 32700, 32720, 32721, 32990, 32991, 34020, 34030, 34040, 40178, 40400, 40410, 40420, 51700, 51710, 51730
REPEAL: 34000, 34010

Filed 06/13/01

Effective 06/13/01

Agency Contact:

Bernard McMonigle (916) 327-8386

PUBLIC EMPLOYMENT RELATIONS BOARD

Authority and Reference citation changes conforming to legislative changes

In this action, the Board updates the authority and reference citations to its regulations to reflect recent statutory changes, and makes nonsubstantive changes to the text of sections 32005, 32055, and 32754.

Title 8

California Code of Regulations

AMEND: 31001, 32000, 32005, 32006, 32010, 32020, 32030, 32040, 32055, 32060, 32075, 32080, 32085, 32100, 32105, 32120, 32124, 32125, 32130, 32132, 32135, 32136, 32140, 32142, 32145, 32147, 32149, 32160, 32162, 32164, 32165, 32166, 32168, 32170, 32175

Filed 02/15/01

Effective 03/17/01

Agency Contact:

Bernard McMonigle (916) 327-8386

PUBLIC EMPLOYMENT RELATIONS BOARD

Internal Procedures

This emergency action adopts 74 and amends an even greater number of regulations concerning a variety of subjects administered by PERB to coordinate with legislation effective 7/1/01 that requires PERB to process a complaint relating to a public agency as an unfair practice charge, and to enforce and apply rules adopted by a public agency concerning unit determinations, representation, recognition, and elections.

Title 8

California Code of Regulations

ADOPT: 32015, 32016, 32325, 32603, 32604, 60000, 60010, 60020, 60030, 60035, 60040, 60050,

60060, 60070, 61000, 61005, 61010, 61020, 61030, 61040, 61050, 61055, 61060, 61065, 61070, 61072, 61075, 61080, 61090, 61100, 61105, 61110, 61115, 61120, 61125, 61

Filed 06/11/01

Effective 07/01/01

Agency Contact:

Bernard McMonigle (916) 327-8386

PUBLIC UTILITIES COMMISSION

Rules of Practice & Procedure: form nos. 2 and 6

This action corrects lettering errors and a typographical error found in two forms used in administrative proceedings of the Public Utilities Commission.

Title 20

California Code of Regulations

AMEND: 88

Filed 01/31/01

Effective 01/31/01

Agency Contact:

Judge Joseph DeUllola (415) 703-3124

RESOURCES AGENCY

CEQA Guidelines

This action corrects cross-references to conform to changes in related laws, deletes obsolete references, and adds a new mailing address for the State Clearinghouse.

Title 14

California Code of Regulations

AMEND: 15064, 15082, 15086, 15105, 15127, 15130, 15176, 15205, 15206, 15251, 15274, 15280, 15301, 15330, Appendix F, Appendix G

Filed 02/01/01

Effective 03/03/01

Agency Contact: Kristi Powers (916) 653-5481

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

San Francisco Bay Plan Amendments, Resolutions

This regulatory action amends the San Francisco Bay Plan to revise the public access findings and policies to provide for maximum feasible public access while protecting wildlife from adverse effects.

Title 14

California Code of Regulations

AMEND: 11900

Filed 05/14/01

Effective 06/13/01

Agency Contact:

Caitlin Sweeney (415) 557-8794

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

Port Priority Use Designation Changes

This rulemaking action, revises future water oriented uses now designated in the San Francisco Bay

Area Seaport Plan and the San Francisco Bay Plan. The action results in a deletion of approximately 123 acres of a port priority use designation, primarily in the closed Oakland Army Base, deletes the 110 acre Port of Oakland Bay Bridge container terminal site designation, and deletes the 30 acre Army Terminal marine terminal designation at the closed Oakland Army Base. These changes reduce the number of designated future marine terminals in the regional port system with a corresponding reduction in the amount of estimated future fill in the Bay. The resulting Port capacity, however, through a reconfiguration and expansion of facilities on additional acreage, is projected be more than enough to handle the cargo volume forecast for the year 2020. This amendment is necessary for the transfer of the closed Oakland Army Base to the City of Oakland and the Port of Oakland and its reuse in a manner that is consistent with the San Francisco Bay Conservation and Development Commission's federally-approved Coastal Management Program for San Francisco Bay.

Title 14

California Code of Regulations

AMEND: 11900, 11945

Filed 03/20/01

Effective 03/20/01

Agency Contact:

Jeffrey Blanchfiel (415) 352-3654

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

Dredged Material Disposal Allocations

This rulemaking action establishes a procedure for the Commission to use to determine whether it should implement a mandatory individual in-Bay dredged material allocation program once the decision making procedure has been triggered. The regulations specifically: (1) adopt a decreasing series of in-Bay dredged material disposal target volumes for three year periods beginning with 2001–2003; (2) provide that, starting with the triennial review in 2004 if the Executive Director determines that the average annual total of the amount of dredged material disposed of during the preceding three-year period exceeds the disposal target volume, or if the Long Term Management Strategy Management Committee so requests, the Commission must commence a rulemaking action pursuant to the Administrative Procedure Act to determine whether to implement a mandatory individual in-Bay dredged material allocation program; (3) provide that the Commission shall implement a mandatory program unless a majority of the voting Commissioners vote against implementing such a program; (4) provide that unused allocations can be carried over from one period to another; (5) define the term “small dredger” and provide that small dredgers are exempt from the

allocation program; (6) provide for the termination of the program under specified circumstances; and (9) provide that an allocation program can be reimplemented after a previous allocation program has been terminated.

Title 14
California Code of Regulations
ADOPT: 10720, 10721, 10726, 10727, 10728, 10729
Filed 06/28/01
Effective 07/28/01
Agency Contact:
Jonathan T. Smith (415) 352-3655

SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MT. CONSERVANCY
Conflict of Interest Code for San Gabriel & Lower Los Angeles Rivers and Mountains Conservancy

This is a Conflict of Interest Code filing approved by the Fair Political Practices Commission on April 3, 2001, and submitted to the Office of Administrative Law for printing only and filing with the Secretary of State.

Title 14
California Code of Regulations
ADOPT: 14020
Filed 05/14/01
Effective 06/13/01
Agency Contact:
Clara L. Slifkin (213) 897-9442

SECRETARY OF EDUCATION
Education Technology Grant Program

This Certificate of Compliance adopts the Education Technology Grant Program. (Previous OAL file # 00-1017-02 E)

Title 5
California Code of Regulations
ADOPT: 90000, 90001, 90002, 90003, 90004, 90005, 90006, 90007, 90008, 90009
Filed 03/29/01
Effective 03/29/01
Agency Contact: Chris Shultz (916) 323-0611

SECRETARY OF STATE
Notary Public Disciplinary Guidelines

The regulatory action deals with disciplinary actions under the Administrative Procedure Act (Government Code section 11400 et seq.) and incorporates by reference "Notary Public Disciplinary Guidelines 2001".

Title 2
California Code of Regulations
AMEND: 20802
Filed 03/01/01
Effective 03/31/01
Agency Contact: Lisa B. Niegel (916) 653-3345

STATE ALLOCATION BOARD

LeRoy F. Green School Facilities Act of 1998

The proposed regulatory action amends provisions governing new school construction excessive cost hardship grants to add offset requirements for any additional grants.

Title 2
California Code of Regulations
AMEND: 1859.83
Filed 04/05/01
Effective 05/05/01
Agency Contact: Lisa Jones (916) 322-1043

STATE ALLOCATION BOARD

LeRoy F. Greene School Facilities Act of 1998

The proposed regulatory action is the Certificate of Compliance filing making permanent the Board's prior emergency amendment of provisions governing priority points for apportionment of new school construction and modernization funding when insufficient funds are available. The prior emergency filing was OAL file number 00-1220-01E.

Title 2
California Code of Regulations
AMEND: 1859.2, 1859.20, 1859.21, 1859.30, 1859.33, 1859.40, 1859.42, 1859.43, 1859.50, 1859.51, 1859.60, 1859.70, 1859.71.1, 1859.72, 1859.73.1, 1859.74.1, 1859.75.1, 1859.76, 1859.78.2, 1859.78.3, 1859.79.1, 1859.79.3, 1859.81, 1859.81.1, 1859.82, 18
Filed 06/13/01
Effective 06/13/01
Agency Contact: Lisa Jones (916) 322-1043

STATE ALLOCATION BOARD

Conflict Of Interest Code For the State Allocation Board

The State Allocation Board is amending its conflict of interest code filing found at the captioned citation. The Fair Political Practices Commission approved the changes for filing on February 15, 2001.

Title 2
California Code of Regulations
AMEND: Chapter 73, section 56200
Filed 04/04/01
Effective 05/04/01
Agency Contact: Lisa Jones (916) 322-1043

STATE ALLOCATION BOARD

LeRoy F. Greene School Facilities Act of 1998

The proposed emergency regulatory action amends the Board's regulations governing priority points for funding of new school construction. The Board's action implements the provisions of A.B. 562 (Stats. 1999, Chap. 178).

Title 2
California Code of Regulations

AMEND: 1859.2, 1859.20, 1859.21, 1859.30, 1859.33, 1859.40, 1859.42, 1859.43, 1859.50, 1859.51, 1859.60, 1859.70, 1859.71.1, 1859.72, 1859.73.1, 1859.74.1, 1859.75.1, 1859.76, 1859.78.2, 1859.78.3, 1859.79.1, 1859.79.3, 1859.81, 1859.81.1, 1859.82, 185

Filed 01/02/01

Effective 01/02/01

Agency Contact: Lisa Jones (916) 322-1043

STATE CONTROLLER'S OFFICE

Confidential Information

This rulemaking clarifies under what circumstances and conditions the Office of the State Controller may divulge confidential estate tax information.

Title 2

California Code of Regulations

ADOPT: 1139

Filed 06/12/01

Effective 07/12/01

Agency Contact:

Ronald V. Placet (916) 445-7217

STATE LANDS COMMISSION

Adoption of Regulations Governing Contractor Selection

This certificate of compliance, for an emergency action effective May 1, 2001, implements Government Code Section 4526 in providing criteria for the Commission's selection of contractors for architectural, landscape architectural, engineering, environmental, land surveying, or construction project management services. It also adopts definitions; notice, negotiation, contracting and contract amendment requirements; and prohibitions for conflict of interest.

Title 2

California Code of Regulations

ADOPT: 2980, 2980.1, 2980.2, 2980.3, 2980.4, 2980.5, 2980.6, 2980.7, 2980.8, 2980.9

Filed 05/29/01

Effective 05/29/01

Agency Contact: Mark Meier (916) 574-1853

STATE LANDS COMMISSION

Contractor Selection

This emergency action implements Government Code Section 4526 in providing criteria for the Commission's selection of contractors for architectural, landscape architectural, engineering, environmental, land surveying, or construction project management services. It also adopts definitions; notice, negotiation, contracting and contract amendment requirements; and prohibitions for conflict of interest.

Title 2

California Code of Regulations

ADOPT: 2980, 2980.1, 2980.2, 2980.3, 2980.4, 2980.5, 2980.6, 2980.7, 2980.8, 2980.9

Filed 05/01/01

Effective 05/01/01

Agency Contact: Mark Meier (916) 574-1853

STATE PERSONNEL BOARD

DMV Demonstration Project

Pursuant to Government Code section 19602, the Board is authorizing a demonstration project affecting the Department of Motor Vehicles. In this demonstration project, examinations for certain manager and supervisor positions will be conducted, with specified exceptions, pursuant to the regulations governing selection for Career Executive Assignments, rather than pursuant to the laws ordinarily applicable to such civil service examinations.

Title 2

California Code of Regulations

ADOPT: 549.80

Filed 06/27/01

Effective 06/27/01

Agency Contact: Steve Unger (916) 654-0842

STATE WATER RESOURCES CONTROL BOARD

Electronic Submission of Laboratory data for USP Reports

The emergency regulatory action deals with the electronic submission of laboratory data for underground storage tank reports. (Prior OAL File 01-0228-03E.)

Title 23

California Code of Regulations

ADOPT: 2729, 2729.1

Filed 05/30/01

Effective 09/01/01

Agency Contact:

Michael W. Gjerde (916) 341-5682

STATE WATER RESOURCES CONTROL BOARD

Compliance Schedules in NPDES Permits

This amendment would revise the Water Quality Control Plan for the Santa Ana region to permit the Santa Ana Regional Water Quality Control Board to include schedules for compliance within NPDES (National Pollutant Discharge Elimination System) permits for effluent limitations which implement water quality objectives adopted, revised or newly interpreted after the amendment's effective date, as long as the permit-seeker meets certain requirements and demonstrates that it is proceeding within the shortest time possible, and in no case for longer than ten years. OAL has reviewed the amendment pursuant to the requirements of Government Code section 11353.

Title 23

California Code of Regulations

AMEND: 3976

Filed 06/28/01
Effective 06/28/01
Agency Contact: Linda Rao (916) 341-5554

STATE WATER RESOURCES CONTROL BOARD
Procedures for Contracting for Private Professional Services

This emergency regulatory action readopts the requirements for contracting for private professional services. (Previous OAL file ##00-0608-01E, 00-1006-01E)

Title 23
California Code of Regulations
ADOPT: 3870, 3871, 3872, 3873, 3874, 3875, 3876, 3877, 3878, 3879, 3880
Filed 02/14/01
Effective 02/15/01
Agency Contact:
Therese Barakatt (916) 227-4555

STATE WATER RESOURCES CONTROL BOARD
Underground Storage Tanks

This action updates the underground storage tank regulations to implement statutory changes that require periodic testing of secondary containment systems, standards for under-dispenser containment and enhanced leak detection, and an appeal procedure.

Title 23
California Code of Regulations
ADOPT: 2636.1, 2636.2, 2636.3, 2636.4, 2637, 2644.1 AMEND: 2611, 2630, 2631, 2635, 2636, 2640, 2641, 2660, 2666
Filed 05/14/01
Effective 05/14/01
Agency Contact:
Charles NeSmith (916) 227-4377

STATE WATER RESOURCES CONTROL BOARD
Water Quality Control Plan for the Los Angeles Region

This basin plan amendment prohibits any new septic systems in the Oxnard Forebay area of Ventura County and prohibits discharges from existing septic systems after January 1, 2008. The prohibition does not prevent repairs to existing septic systems, provided that the purpose of such repairs is not to increase capacity. Individual septic systems located on lots of five acres or more are not subject to the prohibition; however, the regional board may issue Waste Discharge Requirements for septic systems on such lots. An exemption from the prohibition or extension of time may be allowed in the best interest of water quality.

Title 23
California Code of Regulations
AMEND: 3934
Filed 05/14/01

Effective 05/11/01
Agency Contact: Greg Frantz (916) 341-5553

SUPERINTENDENT OF PUBLIC INSTRUCTION

Contractor's Responsibility after Notice of Termination or Notice of Decision to Make No Offer of Continued Funding

The emergency regulatory action requires contractors providing child care services to CalWorks families to submit copies of specified records to the Child Development Division after the contractor has received notice of the Division's decision to make no offer of continued funding.

Title 5
California Code of Regulations
AMEND: 18302
Filed 06/05/01
Effective 06/05/01
Agency Contact: Peggy Peters (916) 657-4440

SUPERINTENDENT OF PUBLIC INSTRUCTION
CalWORKS Child Care Programs

This emergency regulatory action adopts the requirements for participation in Stages 2 and 3 of CalWORKS child care services.

Title 5
California Code of Regulations
ADOPT: 18400, 18405, 18406, 18407, 18408, 18409, 18409.5, 18410, 18411, 18412, 18413, 18414, 18415, 18416, 18417, 18418, 18419, 18420, 18421, 18422, 18423, 18424, 18425, 18426, 18427, 18428, 19489, 18430, 18431, 18432, 18433, 18434
Filed 06/28/01
Effective 06/28/01
Agency Contact: Peggy Peters (916) 657-4440

TECHNOLOGY, TRADE AND COMMERCE AGENCY

Rural E-Commerce Grant Program

The proposed action would implement the Rural E-Commerce Grant Program including the adoption of criteria for submission and review of grant proposals.

Title 10
California Code of Regulations
ADOPT: 4081, 4081.1, 4081.2, 4081.3, 4081.4, 4081.5, 4081.6, 4081.7, 4081.8
Filed 06/11/01
Effective 06/11/01
Agency Contact: Terri Toohey (916) 324-3787

TECHNOLOGY, TRADE AND COMMERCE AGENCY

Defense Retention Grant Program

The emergency regulatory action deals with the Defense Retention Grant Program.

Title 10
California Code of Regulations

ADOPT: 4083, 4083.1, 4083.2, 4083.3, 4083.4,
4083.5,
Filed 02/07/01
Effective 02/07/01
Agency Contact: Kathryn Doi (916) 324-3836

**TECHNOLOGY, TRADE AND COMMERCE
AGENCY**

**Remove Underground Storage Tank (RUST) Grant
Program**

This emergency regulatory action readopts the
requirements for applying for a Removal of Under-
ground Storage Tank (RUST) grant. (Previous OAL
file #00-0823-01E)

Title 10

California Code of Regulations

ADOPT: 5404.1, 5906 AMEND: 5900, 5901, 5904,
5905

Filed 03/06/01

Effective 03/06/01

Agency Contact: Kathryn Doi (916) 324-3836

YOUTHFUL OFFENDER PAROLE BOARD

Rules of Construction and Definitions

The proposed emergency readoption would amend
the definition of a Full Board Panel to make the
inclusion of a member optional.

Title 15

California Code of Regulations

AMEND: 4900

Filed 05/09/01

Effective 05/09/01

Agency Contact: Connie Erlich (916) 322-9800

